Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-eighth Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 4th, 1943, and
Ending March 4th, 1943.

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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the twenty-eighth regular session of the legislative assembly of the State of Montana, commencing January 4th, 1943, and concluding March 4th, 1943.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this fifteenth day of May, A. D., 1943.

THE GREAT SEAL
of the
State of Montana.

Sam W. Mitchell

Secretary of State.

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OFFICERS AND MEMBERS
OF THE
Twenty-eighth Legislative Assembly of the State of Montana
1943

Governor: SAM C. FORD
Lieutenant Governor and President of the Senate: ERNEST T. EATON
Speaker of the House: GEO. W. O'CONNOR

Members of Senate

NAME	Residence	County	Politics
Arnold, S. C.	Broadview	Stillwater	Republican
*Baker, Dr. A. A.	Glendive	Dawson	Republican
*Balgord, O. P.	Lavina	Golden Valley	Republican
Burke, Tom	Billings	Yellowstone	Republican
*Calder, Thomas	Terry	Prairie	Democrat
Campbell, John L.	Missoula	Missoula	Republican
[1]Carrington, Miles F.	Plevna	Fallon	Republican
Cole, Kenneth	Winnett	Petroleum	Republican
Cooper, George R.	Superior	Mineral	Republican
Cotton, Robert	Glasgow	Valley	Democrat
*D'Ewart, Wesley A.	Wilsall	Park	Republican
*Ecton, Zales N.	Manhattan	Gallatin	Republican
*Findlater, R. P.	Miles City	Custer	Republican
*Fowlie, Geo., Sr.	Wh. Sulphur Spgs.	Meagher	Democrat
Gabisch, Geo.	Townsend	Broadwater	Republican
*Gilbert, Thos. E.	Dillon	Beaverhead	Republican
Haight, Herbert H.	Suffolk	Fergus	Democrat
Hammond, W. L.	Carlyle	Wibaux	Democrat
Henderson, M. R.	Hall	Granite	Republican
*Kalberg, F. S.	Circle	McCone	Republican
*Keeley, W. E.	Deer Lodge	Powell	Republican
Larson, Glenn H.	Thompson Falls	Sanders	Republican
Leo, W. A.	Sidney	Richland	Democrat
*Liggett, J. A.	Roundup	Musselshell	Republican
Lott, M. J.	Twin Bridges	Madison	Republican
Lynch, Austin E.	Fort Benton	Chouteau	Democrat
McKenna, George S.	Geyser	Judith Basin	Democrat
McQuitty, E. F.	Harlowton	Wheatland	Democrat
*Maddox, Dan W.	Hardin	Big Horn	Republican
*Mahoney, Charles H.	Keplerville	Garfield	Republican
*Manning, D. M.	Hysham	Treasure	Democrat
†Minette, C. H.	Cut Bank	Glacier	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
*Mundy, G. F.	Gildford	Hill	Republican
*Olmstead, Leon C.	Big Timber	Sweet Grass	Republican
Peck, Walter H.	Ekalaka	Carter	Republican
*Peterson, N. A.	Valier	Pondera	Democrat
*Plank, Leonard	Chester	Liberty	Democrat
‡Price, E. J.	Moiese	Lake	Republican
Reed, Ed L.	Stevensville	Ravalli	Republican
Rice, Paul R.	Bynum	Teton	Democrat
*Robinson, Fred L.	Malta	Phillips	Republican
*Ross, Thomas A.	Chinook	Blaine	Republican
[2]Rowland, M. D.	Libby	Lincoln	Republican
*Simmons, H. A.	Red Lodge	Carbon	Republican
Stewart, G. D.	Forsyth	Rosebud	Republican
Stromnes, E. J.	Great Falls	Cascade	Democrat
Sullivan, M. J.	Alhambra	Jefferson	Democrat
*Taylor, William R.	Anaconda	Deer Lodge	Republican
*Toman, J. Fred	Bowers	Powder River	Republican
[3]Toomey, E. G.	Helena	Lewis and Clark	Republican
Tyler, R. G.	Homestead	Sheridan	Democrat
§Wallander, S. B.	Froid	Roosevelt	Republican
[4]Weinschrott, John	Plevna	Fallon	Republican
*Wilcoxon, Sheridan	Scobey	Daniels	Republican
Wilson, Geo. W.	Shelby	Toole	Democrat

*Holdover. Elected 1940.
†Appointed to serve for the unexpired term of Dan M. Drumheller, deceased.
‡Elected to complete the unexpired term of Howard K. Hazelbaker, resigned.
§Elected to complete the unexpired term of L. M. Clayton, resigned.
[1]Appointed to serve for the unexpired term of John Weinschrott, deceased. Effective Feb. 16, 1943.
[2]Deceased February 19, 1943; no successor appointed.
[3]Appointed to serve for the unexpired term of R. E. Morrison, deceased.
[4]Deceased Jan. 7, 1943. Succeeded, effective Feb. 16, 1943, by Miles F. Corrington.

Secretary of the Senate: CLAUDE J. McALLISTER.
President Pro-tem: W. E. KEELEY.

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House of Representatives

NAME	Residence	County	Politics
Anderson, Eric	Regina	Phillips	Republican
Anderson, Forrest H.	Helena	Lewis and Clark.	Democrat
Anson, Don E.	Wisdom	Beaverhead	Republican
Antrim, H. Stanley	Stevensville	Ravalli	Democrat
Aronson, J. Hugo	Cut Bank	Glacier	Republican
Atkinson, A. L.	Ronan	Lake	Republican
Baldwin, C. J.	Billings	Yellowstone	Republican
Ballard, W. T.	Butte	Silver Bow	Democrat
Banka, Walter	Brady	Pondera	Democrat
Beck, Martin J.	Vida	McCone	Democrat
Blenkner, E. A.	Columbus	Stillwater	Republican
Blewett, Alex	Butte	Silver Bow	Republican
Bourassa, J. B.	Flaxville	Daniels	Democrat
Bovey, Charles A.	Great Falls	Cascade	Democrat
Bricker, Ralph C.	Great Falls	Cascade	Republican
Brumbaugh, D. J.	Billings	Yellowstone	Republican
Busch, L. W.	Baker	Fallon	Republican
Byrne, E. J.	Galata	Toole	Democrat
Cannon, Paul	Butte	Silver Bow	Democrat
Castles, Wm.	Superior	Mineral	Republican
Chaffin, Dean	Bozeman	Gallatin	Republican
Cole, N. A.	Terry	Prairie	Democrat
Cummings, Ted	Great Falls	Cascade	Democrat
Dallas, Clarence A.	Winston	Broadwater	Republican
Davey, J. L.	Wolf Point	Roosevelt	Democrat
Dillavou, R. C.	Billings	Yellowstone	Republican
Dougherty, James N.	Elliston	Powell	Democrat
Dunn, Robert J.	Bozeman	Gallatin	Republican
Esp. Leonard J.	Big Timber	Sweet Grass	Republican
Fallan, Ole E.	Wilsall	Park	Republican
Fewkes, D. F.	Troy	Lincoln	Republican
Flook, George W.	Lewistown	Fergus	Republican
Foot, E. B.	Kalispell	Flathead	Republican
Freshman, Walter C.	Butte	Silver Bow	Democrat
Gebhardt, R. H.	Billings	Yellowstone	Republican
Graybill, Leo C.	Great Falls	Cascade	Democrat
Gunderson, Ole S.	Power	Cascade	Democrat
Hageman, Arthur	Jordan	Garfield	Republican
Hall, Earl H.	Gardiner	Park	Democrat
Harken, R. C.	Forsyth	Rosebud	Democrat
Hazelbaker, Frank W.	Missoula	Missoula	Republican
Healy, John V.	Butte	Silver Bow	Democrat
Holje, Carl	Plentywood	Sheridan	Republican
Horrigan, Frank W.	Philipsburg	Granite	Republican
Hughes, Gerald H.	Stanford	Judith Basin	Republican
Hunter, Dr. W. L.	Helena	Lewis and Clark.	Republican
James, David F.	Joplin	Liberty	Democrat
Kemmis, Walter D.	Sidney	Richland	Republican
Kimpel, G. C.	Hingham	Hill	Republican
Krieg, Fred C.	Billings	Yellowstone	Republican
LaBonte, Walter B.	Kalispell	Flathead	Republican
Lehrkind, Carl, Jr.	Bozeman	Gallatin	Democrat
Little, Dighton	Missoula	Missoula	Democrat
Loughran, Mike	Butte	Silver Bow	Democrat
Lows, Ray G.	Glendive	Dawson	Republican
McCleery, O. R.	Glasgow	Valley	Democrat
McDaniel, A. N.	Polson	Lake	Republican
McGreevey, Barney	Anaconda	Deer Lodge	Democrat
McMichael, D. A.	Paradise	Sanders	Republican
Martin, C. Lester	Harrison	Madison	Republican
Minnick, Dr. R. P.	Hysham	Treasure	Democrat
Mutch, Douglas	Butte	Silver Bow	Republican
Nass, J. N.	Glasgow	Valley	Democrat
Nelson, Wm. J.	Barber	Golden Valley	Democrat
O'Connor, Geo. W.	Fromberg	Carbon	Republican
Oliver, John	Ekalaka	Carter	Republican
Padbury, Fred H.	Helena	Lewis and Clark.	Republican
Page, Winfield E.	Missoula	Missoula	Republican
Parker, Clem	Wibaux	Wibaux	Democrat
Parker, Nell C.	Bigfork	Flathead	Republican
Parker, Ralph A.	Fort Shaw	Cascade	Democrat
Patterson, Robert A.	Havre	Hill	Democrat
Peterson, Margaret Leppert	Missoula	Missoula	Democrat
Potter, John V.	Wh. Sulphur Spgs.	Meagher	Republican
Rasmussen, A. J.	Harlem	Blaine	Democrat
Rice, John E.	Lodge Grass	Big Horn	Democrat
Saylor, Clarence R.	Winnett	Petroleum	Democrat
Scofield, Charles L.	Biddle	Powder River	Republican
Settle, E. J.	Martinsdale	Wheatland	Republican
Simon, Archie E.	Jefferson City	Jefferson	Democrat

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HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Simpson, Milton C.	Volborg	Custer	Republican
Standish, Lyle H.	Bole	Teton	Republican
Stout, Tom	Lewistown	Fergus	Democrat
Watts, Fred V.	Roundup	Musselshell	Democrat
Wenger, E. A.	Anaconda	Deer Lodge	Democrat
White, Rob B.	Butte	Silver Bow	Republican
Williams, C. J.	Billings	Yellowstone	Republican
Wilson, S. P.	Boyd	Carbon	Republican
Winters, W. J.	Stevensville	Ravalli	Republican
Wright, L. G.	Fort Benton	Chouteau	Republican

Chief Clerk of the House: L. R. KNOX.

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214	113		An Act to Prohibit Montana Insurance Corporations, Societies, Associations or Organizations, or Any Representatives Thereof, from Engaging in, or Attempting to Engage in, or to Advertise or Circularize Their Business of Insurance in Any Manner Whatsoever in Any Foreign Jurisdiction Without First Obtaining a License to Transact the Business of Insurance in Said Foreign Jurisdiction; Excepting Such Risks As Are the Minority of Majority of Risks Accepted in Jurisdiction Where the Carrier Is Duly Licensed, Providing the Origin of the Accepted Risks Is By Means Other Than Advertising or Circularization; Providing for Penalties for a Violation of the Provisions of the Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.	413
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216	156		An Act to Amend Section 3661 of the Revised Codes of Montana, 1935, Relating to the Appointment of Deputy Fish and Game Wardens; Providing for the Removal, Rating, Salary and Expenses of Deputy and Special Deputy Fish and Game Wardens and Providing for the Appointment of a Chief Deputy Fish and Game Warden.	419
217	256		An Act Known As the State Highway Treasury Anticipation Debenture Act of 1943 and Authorizing the Issuance of Debentures of the State of Montana in the Principal Sum Not Exceeding Eight Million Dollars ($8,000,000) for the Years 1944 to 1946 Inclusive and Not to Exceed Four Million Dollars ($4,000,000) in the Year 1944 and Not to Exceed Two Million Dollars ($2,000,000) in Each of the Years 1945 and 1946 or Any Subsequent Year and Providing for the Sale Thereof for the Use of the State Highway Fund for the Purpose of Assuring the Ability of the State of Montana to Secure Any Moneys Made Available By the Act of Congress in Ref-	

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			erence to Highways, and for Other Highway Purposes, and for Carrying On a Postwar Highway Program Such As Will Bring the Highway System of the State Up to the Established Standards of the Federal Highway Act and the Payment of State Highway Treasury Anticipation Debentures of the State of Montana Now Outstanding; Providing for a Tax On Gasoline or Motor Fuels and Anticipating the Revenues Therefrom and Providing for Supplemental and Additional License or Excise Taxes On Gasoline or Motor Fuels During the Period from July 1, 1943 to June 30, 1945; Prescribing the Form and Terms and Conditions of Said Debentures and Interest Thereon and the Dates of Their Maturities; Calling a General Election for the Submission of This Act to the People and Providing the Method for Referring the Question of the Issuance and Sale of Said Debentures to the People At a General Election and Prescribing the Registration for Such Election and Prescribing the Method for Holding Such General Election and the Qualifications of Electors and Appropriating Moneys from the State Highway Fund to Pay the Cost Thereof; Providing a Method By Which the State Treasurer May Purchase Said Debentures and Providing That Said Debentures May Be Accepted As Security for the Repayment of Public Moneys; Prescribing the Conditions Under Which the Sale of Such Debentures May Be Made and the Use of the Funds to Be Derived from the Sale of Such Debentures; Prescribing the Amounts and Years Respectively in Which Said Debentures Shall Be Due and Payable; Providing for the Repayment of Both Principal and Interest of Such Debentures and for the Pledging and Setting Aside of a Sufficient Amount of Said Excise or License Tax on Gasoline or Motor Fuels to Pay the Same from the State Highway Treasury Debenture Redemption Fund Herein Created; Providing for the Cost of Such General Election and for the Cost of Advertising the Sale of Said Debentures; Providing for the Creation of a Liability Binding the State of Montana Not to Reduce the License Tax On Gasoline or Motor Fuels Until After Accrual of Sufficient Moneys to Pay the Said Debentures and Interest; Defining the Duties of Election Officials Hereunder and Providing Penalties for Violations of the Election Provisions of This Act.	420
218	119		An Act to Provide That Bonds and Other Obligations Issued By Any Public Housing Authority or Agency in the United States, When Secured By a Pledge of Annual Contributions to Be Paid By the United States Government, Shall Be Security for All Public Deposits and Negotiable and Legal Investments for the State and Public Officers, Municipal Corporations, Political Subdivisions, Public Bodies, All Banks, Bankers, Trust Companies, Savings Banks and Institutions, Building and Loan Associations, Savings and Loan Associations, Investment Companies and Other Persons Carrying On a Banking Business, All Insurance Companies, Insurance Associations and Other Persons Carrying On An Insurance Business, and All Executors, Administrators, Guardians, Trustees, and Other Fiduciaries.	438
219	131		An Act to Amend Sections 1262.81 and 1263.8, Revised Codes of Montana, 1935, As Amended By Chapter 217, Session Laws, 1939, and to Repeal Section 1262.82, Revised Codes of Montana, 1935, All Relating to the Attendance of High School Pupils At High Schools Outside of the Counties of Their Residence, the Transfer of Apportionments and Budgeting for Such Pupils.	440

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220	153		An Act Establishing a License for Nurseries or Dealers in Nursery Stock, and Their Agents, or Salesmen; Setting the Fees Therefor, and Establishing Regulations for the Application Granting, Reissuing, Refusing, or Revocation Thereof; Providing for Copy of Each Order Being Furnished to Purchaser; Providing for Inspection and Establishing Fees Therefor, and Repealing Section 3619 of the Revised Codes of Montana, 1935, and Acts or Parts of Acts in Conflict Herewith.	445
221	182		An Act Providing for Public Cemetery Districts; Providing for Petitions and Notices of Hearing Respecting Said Districts; Providing for An Election Creating Cemetery Districts; Providing for An Order Organizing Cemetery Districts, Naming Trustees and Granting Powers Thereto; Providing for An Annual Tax Levy for Cemetery Districts; Providing for a Method of Withdrawal from Cemetery Districts, and Altering the Boundaries Thereof; and Repealing All Acts and Parts of Acts in Conflict Herewith.	448
222	198		An Act Providing That Recipients of Old Age Assistance May Temporarily Be Employed During the War Emergency Whose Old Age Assistance Has Been Discontinued Because of Such Employment, Upon the Termination of Employment Shall Be Immediately Reinstated On the Relief Rolls, and Amending All Acts and Parts of Acts in Conflict Herewith, and Date of Termination.	453
223	202		An Act Amending Section 4324, Revised Codes of Montana of 1935, Fixing and Defining the Boundaries of Granite County.	453
224	Sub. S. B. for H. B. 147		An Act to Authorize the Fish and Game Commission of the State of Montana to Establish a Public Shooting Area for Migratory Waterfowl Around and Immediately Adjoining Any Federal Government Wildlife Preserve, Including Any Wildlife Refuge for Migratory Water-fowls in Any Section of Montana, By Acquiring Rights from the Land Owners for Use By the Public and Authorizing the Opening of Roads and Lanes Within a One Mile Limit of Any Such Preserve for the Shooting of Any Migratory Water-fowl and the Posting of Zoning Signs By the Commission, and Authorizing the Expenditure of Moneys in the Fish and Game Funds for Such Purposes.	455
225		134	An Act to Amend Section 2444, Revised Codes of Montana, 1935, Relating to the Creation of the State Board of Health, and Section 2445, Revised Codes of Montana, 1935, Relating to the Appointment, Qualifications, Terms of Office of Members, and Vacancies On Said Board; to Include in the Membership Thereof Members from Licensed Pharmacists of the State of Montana and Licensed Food Distributors of the State of Montana, and Providing for the Rotation and Succession in Office of Members of Said Board.	456
226		192	An Act to Amend Section 3732 of the Revised Codes of Montana, 1935, Relating to the Shipping of Game, Birds, or Fish from the State By Non-residents.	458
227		255	An Act Providing for the Establishment of a Juvenile Court, As a Part of the District Court; Providing for the Jurisdiction of Such Court; Providing for Trial By Jury; Defining the Words, "The Court, Child ,Adult, Delinquent Child"; Providing the Procedure in Children's Cases By Providing for the Apprehension, Custody, and Disposition of Delinquent Children or Delinquent Juvenile Per-	

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			sons; Providing the Procedure Against Those Contributing to Delinquency of Children and Designating Parents, Guardians and Other Persons Responsible for the Support and Training of Such Children; Providing the Procedure to Determine Support of Dependents; Providing the Penalty for Non-support of Dependents; Providing the Designation of Judges to Hear Proceedings Under This Act; Providing Appointment of Probation Officers, Deputies, Employees; Prescribing the Powers and Duties of the Probation Department; Providing for Foster and Youth Homes and for General Investigations of Persons Coming Under the Jurisdiction of This Act; and Repealing All Acts or Parts of Acts in Conflict Herewith.	459
228		234	An Act to Provide for the Registration of Commercial Feeds By the Commissioner of Agriculture, Labor and Industry; to Provide for Guarantees of the Ingredients and Affixing Labels; to Provide for Defraying Expenses; to Provide for the Analysis of Said Feeds By the Agricultural Experiment Station of Montana State College; to Prohibit Sale of Fraudulent or Adulterated Commercial Feeds; to Fix Penalties for the Violation of the Provisions of This Act.	473
229	178		An Act to Amend Section 2917 of the Revised Codes of Montana, 1935, Relating to Medical, Hospital and Other Services Furnished to Injured Workmen Under the Workmen's Compensation Act, and Authorizing the Industrial Accident Board, in its Discretion, to Order That Artificial Members Be Supplied in Certain Cases to Injured Employees.	479
230	Sub. for S. B. 47		An Act to Amend Section 2839, Revised Codes of Montana of 1935, Relating to the Election of Employer and Employee to Come Under the Act, and Relating to Action Against Third Party Causing the Injury.	481
231	87		An Act Making It Mandatory That Life Insurance Companies Provide An Optional Automatic Premium Loan Provision in All Policies of Life Insurance Hereafter Issued, Whenever Such Policies Have An Accumulated Cash Value Sufficient to Satisfy Said Premium; Providing for Repayment of This Automatic Loan or Loans, and Providing This Act Shall Not Amend or Repeal Section 6282 of the Revised Codes of Montana of 1935, and Repealing All Acts and Parts of Acts in Conflict Herewith.	483
232	199		An Act for the Submission to the Qualified Electors of the State of Montana of An Amendment to the Constitution of the State of Montana, Making the Terms of Office Four Years for County Auditors, County Attorneys, Justices of the Peace, Constables, and Certain Elective and Appointed Officers, Not Enumerated in Section 4 and 5 of Article XVI of the Said Constitution, As Amended By the Adoption of the Provisions of Chapter 93 of the Session Laws of 1937, So As to Make Such Offices Conform to Such Amendment By the Amendment of Sections 19 and 20 of Article VIII and Section 6 of Article XVI of Said Constitution, Relating to the Terms of Office of County Auditors, County Attorneys, Justices of the Peace, Constables and Municipal Officers.	484
233		203	An Act to Amend Section 4, Subsection (c) and (d); Section 6, Subsection (f); Section 14, Subsections (a) and (d) and Providing for the Enactment of a New Subsection to Be Known As Subsection (f); Section 15,	

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234		207	An Act to Amend Sections 715, 716, 717, 718, 720, 721, 722, 723, 724, 725, 726, 727, 728, 730, 731 733, and 734, Revised Codes of Montana, 1935, Relating to a Method of Voting By Electors Who Are Absent or Expect to Be Absent from the County in Which They are Electors or Who Are Physically Incapicitated or Who, in All Probability, Will Be Physically Incapacitated from Attending the Polls On the Day of Election and Making Regulations Regarding Such Voting.	494
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236	142		An Act Allowing a Credit On Inheritance Taxes Due from a Resident Decedent of Montana Who Is Required to Pay a Tax In Another State.	505

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46	An Act Appropriating Money for Repayment to Hill County of Money Paid By It to the State Insane Asylum By Mistake and Which Was Used for the Direct Benefit of All the People of Montana, and for Which No Reimbursement Has Been Made to Hill County.	510
95	An Act to Appropriate Money for the Operation, Maintenance and Other Purposes As Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1943, and Ending June 30, 1945.	511
106	An Act to Appropriate Fifteen Thousand Dollars ($15,000.00) Per Annum to Aid in the Continuation of the Cooperative Work Now Being Carried On By the Montana Livestock Commission and the United States Department of the Interior, Fish and Wildlife Service, in the Control of Predatory Animals in the State of Montana and Said Funds to Be Subject to the Order of the Livestock Commission of the State of Montana.	520
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179	An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, As Designated Herein, for Certain of the State's Institutions, for the Period Beginning July 1, 1943 and Ending June 30, 1945.	551
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257	An Act to Appropriate Money for the Operation and Maintenance of, and Other Purposes As Designated Herein, for the Several Units of the Greater University of Montana, Known As the Montana State University, Montana State College, Experiment Stations and Substations and Extension Service Thereof, Montana School of Mines, Montana State Normal College At Dillon, Eastern Montana State Normal School At Billings, and Northern Montana College At Havre, and for Student Fare Refunds for the Period Beginning July 1, 1943, and Ending June 30, 1945.	559
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Senate Joint Resolution No. 3	A Resolution of the Senate and House of Representatives of the State of Montana Recommending That the Congress of the United States Pass and Enact Into Law Such Measure or Measures As May Be Necessary to Return to the Farmer Such Prices for All Agricultural Products As Will Assure to Him a Reasonable Profit Over His Cost of Production, Including All Cost of Labor.	625

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SESSION LAWS

CHAPTER 1

An Act to Amend Sections 62 and 76, Revised Codes of Montana for 1935 as Amended by Chapter 50 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana for 1937 Relating to the Number, Designation, Election, Appointment and Compensation of Officers and Employees of the Legislative Assembly and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 62 of the Revised Codes of Montana for 1935, as amended by Chapter 50 of the Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana for 1937, be, and the same are hereby amended to read as follows:

"Section 62. **Officers and Employees of Senate.** The officers and employees of the senate may consist of a president, a president pro tem., one secretary of the senate, one assistant secretary of the senate, one chaplain, one sergeant-at-arms, one secretary to the president, one journal clerk, one assistant journal clerk, one enrolling clerk, one assistant enrolling clerk, one engrossing clerk, one assistant engrossing clerk, one bill clerk, one assistant bill clerk, one reading clerk, one printing clerk, one assistant printing clerk, one chief stenographer, one assistant chief stenographer, one judiciary committee clerk, one mailing clerk, one doorkeeper, three assistant doorkeepers, one janitor, three assistant janitors, one day watchman, one night watchman, four pages and such number of committee clerks and/or stenographers as the senate may, by motion, from time to time determine, not exceeding forty in number; provided, however, that when the orderly and expeditious conduct of the business of the senate so requires, the senate may, by resolution, authorize the employment of one senate law clerk and/or one assistant senate law clerk, in addition to the hereinabove specifically enumerated officers and employees."

Officers and employees of Senate.

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Section 2. That Section 76 of the Revised Codes of Montana for 1935, as amended by Chapter 50 of the Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana for 1937, be, and the same are hereby amended, to read as follows:

Compensation of other officers and employees.

"Section 76. **Compensation of Other Officers and Employees.** The compensation designated herein shall be paid to the following officers and employees of the legislative assembly;

$10 per day.

"The secretary of the senate, the chief clerk of the house of representatives, the sergeant-at-arms of each house, the senate law clerk and the house of representatives law clerk, ten dollars ($10.00) per day each;

$8 per day.

"The assistant secretary of the senate, the assistant chief clerk of the house of representatives, the journal clerk, the enrolling clerk, the engrossing clerk, the bill clerk, the chief stenographer, the chief printing clerk, the assistant sergeants-at-arms of the senate, the assistant sergeants-at-arms of the house of representatives, eight dollars ($8.00) per day each;

$7 per day.

"The assistant senate law clerk and the assistant house of representatives law clerk, (in case such assistants are employed) seven dollars ($7.00) per day;

$6 per day.

"The assistant journal clerk, the assistant enrolling clerk, the assistant engrossing clerk, the assistant bill clerk, the printing clerk, the reading clerk, the clerk to the sergeant-at-arms, the assistant chief stenographer, the clerk to the judiciary committee, the assistant printing clerk, two chief proof readers, and the mailing clerk of the senate, the clerk to the chief clerk of the house of representatives, the stenographer to the secretary of the senate, the secretary to the president of the senate, the payroll clerk of the house of representatives, the secretary to the speaker of the house of representatives, the mailing and filing clerk of the house of representatives, the secretary to the house of representatives appropriations committee, six dollars ($6.00) per day each;

"The chaplain, committee clerk, stenographers, typists, proofreaders, doorkeepers, assistant doorkeepers, janitors, assistant janitors and watchmen of each house, the telephone operators of the house of representatives, the ele-

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vator operators of the house of representatives, five dollars ($5.00) per day each; $5 per day.

"Pages, four dollars ($4.00) per day each; all other employees of the legislative assembly not herein specifically enumerated, five dollars ($5.00) per day each; $4 per day. Employees not named.

"The salaries herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any of said officers or employees whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee." Period for which salaries are to be paid.

Section 3. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall take effect and be in full force from and after its passage and approval. Effective date.

Approved January 7, 1943.

CHAPTER 2

An Act Directing the Adjutant General of the State of Montana to Purchase the Requisite Set or Sets of Colors, National and Regimental, for the 163d Infantry Regiment of the Army of the United States, Now on Active Service in the Isles of the South Pacific, and to Cause the Same to Be Forwarded, Presented and Delivered to Said Regiment Through the Proper Military Channels, and Appropriating Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Adjutant General of the State of Montana shall be, and he is hereby, authorized and directed to cause to be made and purchased, as promptly as the subject matter will permit, the requisite set or sets of National Colors and Regimental Flag for the 163d Infantry Regiment of the United States Army which, since its inception, has been, successively, the First Montana Volunteer Infantry, the Second Montana Infantry Regiment of the Montana National Guard, and since 1917 Adjutant General to obtain National Colors and Regimental Flag for 163d Infantry Regiment.

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through the present time the 163d Infantry Regiment of the United States when in Federal service; that said set or sets be in all respects as required by military regulations, and be of the best quality obtainable.

To be presented in name of people of State of Montana.

The Adjutant General of the State of Montana is further authorized and directed to cause said set or sets, when prepared and ready, to be forwarded, through military channels under the War Department of the United States, to the Commanding Officer of the 163d Infantry Regiment at the headquarters of said Regiment, wherever said headquarters may be, and to have the same presented to the Regiment in the name of the people of the State of Montana, a People at once grateful and proud for the magnificent record of valor, patriotism and christian character always exemplified by the officers and men of said Regiment in the service of their country and of their state.

Appropriation.

Section 2. That the sum of One Thousand Dollars ($1,000.00), or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the State of Montana for the purpose of manufacturing and purchasing, transporting and presenting said set or sets, stand or stands, of colors.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval by the governor.

Budget Act notwithstanding.

Section 4. This act shall be effective as a supplemental appropriation notwithstanding the provisions of the Budget act.

Approved January 4, 1943.

CHAPTER 3

An Act to Amend Sections 62 and 76, Revised Codes of Montana of 1935, as Amended by Chapter 50 of the Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana of 1937, and as Amended by Chapter 1 of the Session Laws of the Twenty-eighth Legislative Assembly of the State of Montana of 1943, Relating to the Number, Designation, Election, Appointment and Compensation of Officers and Employees of the Legislative Assembly, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 62 of the Revised Codes of Montana of 1935, as amended by Chapter 50 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana of 1937, and as amended by Chapter 1 of the Session Laws of the twenty-eighth legislative assembly of the State of Montana of 1943, be, and the same is hereby amended to read as follows:

Officers and employees of the Senate.

"Section 62. **Officers and Employees of Senate.** The officers and employees of the senate may consist of a president, a president pro tempore, one secretary of the senate, one assistant secretary of the senate, one chaplain, one sergeant-at-arms, three assistant sergeants-at-arms, one *secretary* to the sergeant-at-arms, *one stenographer to the secretary of the Senate,* one secretary to the president, one journal clerk, one assistant journal clerk, one enrolling clerk, one assistant enrolling clerk, one engrossing clerk, one assistant engrossing clerk, one bill clerk, one assistant bill clerk, one reading clerk, one *chief* printing clerk, *one assistant printing clerk, one chief stenographer, one assistant chief stenographer, two chief proofreaders, one judiciary committee clerk, one finance and claims committee clerk,* one mailing clerk, one doorkeeper, three assistant doorkeepers, one janitor, three assistant janitors, *three watchmen,* four pages, and such number of committee clerks, stenographers, *typists, proofreaders, and such other employees and attaches* as the senate may, by motion, from time to time determine, not exceeding forty in number; provided, however, that when the orderly and expeditious conduct of the business of the senate so requires, the senate may, by resolution, authorize the employment of one senate law clerk and one assistant senate law clerk, in addition to the hereinabove specifically enumerated officers and employees."

Section 2. That Section 76 of the Revised Codes of Montana of 1935, as amended by Chapter 50 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana of 1937, and as amended by Chapter 1 of the Session Laws of the twenty-eighth legislative assembly of the State of Montana of 1943, be, and the same is hereby, amended to read as follows:

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Compensation of officers and employees of legislative assembly.

"Section 76. **Compensation of Other Officers and Employees.** The compensation designated herein shall be paid to the following officers and employees of the legislative assembly:

"The secretary of the senate, the chief clerk of the house of representatives, the sergeant-at-arms of each house, the senate law clerk and the house of representatives law clerk,

$10 per day.

ten dollars ($10.00) per day each;

"The assistant secretary of the senate, the assistant chief clerk of the house of representatives, the journal clerk, the enrolling clerk, the engrossing clerk, the bill clerk, *the chief stenographer, the chief printing clerk,* the assistant sergeants-at-arms of the senate, the assistant sergeants-at-arms of the house of representatives, eight dol-

$8 per day.

lars ($8.00) per day each;

"The assistant senate law clerk and the assistant house of representatives law clerk (in case such assistants are em-

$7 per day.

ployed), seven dollars ($7.00) per day;

"The assistant journal clerk, the assistant enrolling clerk, the assistant engrossing clerk, the assistant bill clerk, the *assistant* printing clerk, the reading clerk, the *secretary* to the sergeant-at-arms, *the assistant chief stenographer, the clerk to the judiciary committee, the clerk to the finance and claims committee, two chief proofreaders,* and the mailing clerk of the senate, the clerk to the chief clerk of the house of representatives, the *stenographer* to the secretary of the senate, the secretary to the president of the senate, the payroll clerk of the house of representatives, the secretary to the speaker of the house of representatives, the mailing and filing clerk of the house of representatives, the secretary to the house of representatives appropria-

$6 per day.

tions committee, six dollars ($6.00) per day each;

"The chaplain, *other* committee clerks, stenographers, typists, *other* proofreaders, doorkeepers, assistant doorkeepers, janitors, assistant janitors and watchmen of each house, the telephone operators of the house of representatives, the elevator operators of the house of representatives,

$5 per day.

five dollars ($5.00) per day each;

$4 per day.

"Pages, four dollars ($4.00) per day each;

Employees not named.

"*And* all other employees of the legislative assembly not herein specifically enumerated, five dollars ($5.00) per day each.

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"*Each salary* herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any of said officers or employees whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee."

Period for which salary to be paid.

Section 3. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall take effect and be in full force from and after its passage and approval.

Effective date.

Approved January 14, 1943.

CHAPTER 4

An Act to Amend Section 6932 of the Revised Codes of Montana of 1935, Relating to Validation of Records Erroneously Executed or Acknowledged—Copies as Evidence, and to Amend Section 6933 of the Revised Codes of Montana of 1935, Relating to Deeds Heretofore Executed Valid Though Not Acknowledged.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6932 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 6932. **Validation of Records Erroneously Executed or Acknowledged—Copies as Evidence.** Any instrument affecting real property, which was, previous to *the date this act takes effect*, copied into the proper book, kept in the office of the county clerk and recorder, shall be deemed to impart, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument or in the certificate of acknowledgment thereof, or the absence of any such certificate; and all such instruments heretofore acknowledged by the vice president and assistant secretary of any corporation, or by either of them, *or other person duly authorized by resolution by such corporation executing the same on behalf of the corporation,* and recorded, shall be valid and

Validation of records erroneously executed or acknowledged.

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shall have the same force and effect as though acknowledged by the president or secretary; but nothing herein shall be deemed to affect the rights of purchasers or encumbrancers previous to *the date this act takes effect.* Duly certified copies of the record of any such instrument may be read in evidence, with like effect as copies of an instrument duly acknowledged and recorded."

Copies as evidence.

Section 2. That Section 6933 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 6933. **Deeds Heretofore Executed Valid Though Not Acknowledged.** All deeds to real property *heretofore* executed in this state, or any state or territory of the United States, which shall have been signed by the grantors in due form, shall be sufficient in law to convey the legal title to the premises therein described from the grantors to the grantees, without any other execution or acknowledgment or witnesses thereto whatever; and such deeds so executed shall be received in evidence in all courts in this state, and be conclusive evidence of the title to the lands therein described against the grantors, their heirs and assigns."

Deeds heretofore executed valid though not acknowledged.

Admission and effect of as evidence.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved January 29, 1943.

CHAPTER 5

An Act to Amend Section 6565, Revised Codes of Montana, 1935, Relating to the Licenses of Railroad and Steamboat Ticket Agents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6565, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 6565. **Ticket Agent to Be Given Certificate—License.** It shall be the duty of the owners of any railroad or steamboat for the transportation of passengers, to provide each agent who may be authorized to sell within the state tickets or other evidence entitling the owner

Ticket agents to be given certificate.

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thereof to travel upon his or their railroad or steamboat, with a certificate setting forth the authority of such agent to make such sales, which certificate shall be duly attested by the corporate seal of any corporate owner of such railroad or steamboat, and shall, for the information of travelers, be kept posted in a conspicuous place in the office of such agent. After the issue of such certificate, as aforesaid, such agent, or superintendent or general officer of such owners shall, within ten (10) days thereafter, *give written notice to the state board of equalization of the issuance of such certificate,* and shall, at the same time pay to said *state board of equalization* a license fee of one dollar ($1.00), whereupon said *state board of equalization* shall issue to *the* agent *named in such* certificate a license authorizing such agent to engage in the business of selling transportation tickets of said common carrier; and said license so issued to such agent by said *state board of equalization* shall also be kept posted in a conspicuous place in the office of such agent, for the information of travelers and of the public."

License.

Section 2. This act shall be in full force and effect on and after July 1, 1943.

Effective date.

Approved January 29, 1943.

CHAPTER 6

An Act to Repeal Section 3592.12, Revised Codes of Montana, 1935, Relating to the Bond of the Farm Grain Storage Commissioner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3592.12, Revised Codes of Montana, 1935, relating to the bond of the farm grain storage commissioner, be, and the same is hereby repealed.

Sec. 3592.12 R. C. 1935 repealed.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved January 29, 1943.

CHAPTER 7

An Act to Amend Sections 1581 and 3643, and to Repeal

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Sections 3641 and 3642, Revised Codes of Montana, 1935, All Relating to the Montana State Fair and the Property Belonging to or Used in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1581, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1581. **Objects and Purposes—Time for Holding.** The objects and purposes of said institution shall be to encourage the location and settlement of public lands within this state, and to encourage immigration and capital in aid of the further development of our natural resources; and to better disseminate knowledge concerning the growth, prosperity, and possibilities of agriculture, stockraising, horticulture, mining, mechanic arts and industrial pursuits in this state. To this end the management of *such* institution, *whenever the legislative assembly shall provide an appropriation or appropriations for such purpose, may* provide a state fair or exposition of all *of* said enumerated products, which fair shall be conducted for a period of not more than two (2) weeks, as the management may designate, between the fifteenth (15th) day of August and the fifteenth (15th) day of October of *the year for which such appropriation or appropriations may be made.*"

Objects and purposes.

State fair when appropriation provided; time for holding.

Section 2. That Section 3643, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3643. **Custody of Fair Property—Letting of Privileges.** *During the time when such Fair is being held and during such times immediately preceding and following the holding of the same as may be necessary and required to prepare for such fair and to dismantle the same, and which times shall be fixed and designated by the state board of examiners* the commissioner of agriculture shall have the care and custody of all of the property belonging to the state fair, and shall be entrusted with the direction and administration of all of its business and affairs and shall adopt and enforce all necessary rules for the conduct and management of the fair and for the regulation of its officers and employees. *At all other times the state purchasing department or division*

Care and custody of property of State fair.

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shall have the care, custody and control of all of the property belonging to the state fair."

Section 3. That Sections 3641 and 3642, Revised Codes of Montana, 1935, be, and the same are hereby repealed. Sections of R. C. 1935 repealed.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This act shall be in full force and effect on and after its passage and approval. Effective date.

Approved January 29, 1943.

CHAPTER 8

An Act to Repeal Chapter 134, Acts of the Twenty-fifth Legislative Assembly of the State of Montana, Creating The Montana Agricultural Conservation Board and Prescribing Its Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 134, acts of the twenty-fifth legislative assembly of the State of Montana, creating the Montana Agricultural Conservation Board and prescribing its powers and duties, be, and the same is hereby repealed. Ch. 134 Laws 25th Assembly repealed.

Section 2. This act shall be in full force and effect on and after its passage and approval. Effective date.

Approved January 29, 1943.

CHAPTER 9

An Act Prescribing the Amount of the Official Bond of the Mayor and Councilmen in Cities Having a Commission Form of Government and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That hereafter the official bond required by the mayor or councilmen of a municipal corporation operating under the commission form of government shall be in the sum of five thousand dollars ($5,000.00). Bond by Mayor or Councilmen in municipal corporations under commission form of government.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved January 29, 1943.

CHAPTER 10

An Act Relating to the Admission of Inmates of the State Insane Asylum, Who Are not Insane But Who Are Feeble-minded, to the Montana State Training School; Providing for the Cost of Examination and Transportation; and Providing for the Cost of Clothing of Such Persons After Admission to Said Training School.

Be it enacted by the Legislative Assembly of the State of Montana:

Admission of certain inmates of Insane Asylum to State Training School.

Section 1. If any inmate of the state insane asylum is not so far disordered in mind as to endanger health, person or property but by reason of being feeble-minded is a proper person for admission to the Montana state training school, such person may be admitted to the Montana state training school by proceedings in the district court of the county in which said state insane asylum is located, such proceedings to be in compliance with the laws relating to the admission to said Montana state training school.

Expenses of examination and transportation.

Section 2. The expenses of examination and transportation of such person shall be paid by the state insane asylum.

Expenses of clothing after admission to State Training School.

Section 3. The expenses of clothing of such person, after admission to the Montana state training school, shall be paid by the county from which such person was committed to the state insane asylum, upon the rendering of a sworn itemized account of said expenses and the county in turn shall collect in its own name from the parents, guardian or estate of such person, provided they are financially able to meet such expenses. Such person, whether a minor or adult, shall remain such county charge as long as he or she is in the Montana state training school.

Effective date

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 3, 1943.

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CHAPTER 11

An Act Relating to Apprehension, Examination, Hearing and Commitment of Inmates of Montana State Training School Who Are Insane, and Providing for the Cost of Examination, Commitment and Transportation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. If any inmate of the Montana state training school shall be so far disordered in mind as to endanger health, person or property, such person may be committed to the state insane asylum by proceedings against such person in the district court of the county in which said Montana state training school is located, said proceedings to be in compliance with the laws relating to the apprehension, examination, hearing and commitment of insane persons; the cost of such examination, commitment and taking of such person to the state insane asylum must be paid by the said Montana state training school.

Certain inmates of State Training School may be committed to Insane Asylum.

Cost payable by State Training School.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 3, 1943.

CHAPTER 12

An Act to Amend Section 841, Revised Codes of Montana, 1935, Designating the State Institutions Under the General Control and Supervision of the State Board of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 841, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 841. **General Control of State Institutions.** The general control and supervision of the *Montana* state university, *Montana state college, Montana school of mines, Montana* state normal college, *eastern Montana state normal school,* and *northern Montana college, all being units of the university of Montana,* the state vocational school for girls, state orphans' home, *Montana*

General control of State educational institutions.

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state industrial school, *Montana state training school,* and *Montana state school for the deaf and blind* are vested in the state board of education."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 3, 1943.

CHAPTER 13

An Act to Validate and Confirm Acts of the County Commissioners in Cancelling, Annulling or Vacating Plats of Villages or Townsites or Vineyard Acreage or Suburban or Community Tracts and Vacating Lots, Streets, Alleys, Parks or Boulevards Covered by Such Plats.

Be it enacted by the Legislative Assembly of the State of Montana:

Validation of orders of County Commissioners vacating plats.

Section 1. All proceedings heretofore had and all orders heretofore made by the county commissioners of any county cancelling, annulling, or vacating, or purporting to cancel, annul, or vacate any plat on file in the office of the county clerk of said county, of any village or townsite, or of any vineyard tracts, acreage tracts, suburban tracts, or community tracts, or of any addition to any townsite or to any incorporated city or town, whether such plat covers lands at the time of such proceedings or order lying

(a) wholly outside the corporate limits of said city or town, or

(b) wholly within the corporate limits of said city or town, or

(c) partly within and partly without the corporate limits of said city or town,

Orders vacating lots, streets, alleys, etc.

and any such proceedings or orders vacating or purporting to vacate any lots, streets, alleys, parks and boulevards situate on land covered by such plat are hereby validated, confirmed, and declared to have cancelled, annulled and vacated said plats, or the portions thereof designated, and to have vacated said lots, streets, alleys,

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parks and boulevards of the date thereof. Provided, however, that as to the vacating of any streets, avenues, alleys, parks or boulevards within the corporate limits of any incorporated city or town, the vacating of which at the time of the action of the county commissioners required action by any city council, the action of the county commissioners vacating the same shall not be effective for the purpose of vacating any such streets, avenues, alleys, parks or boulevards unless or until the same are vacated by such city council.

Section 2. If any provision or portion of this act or its application to certain facts is held invalid, such invalidity shall not affect other provisions or the application of the act to other facts which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable. Severability of act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 3, 1943.

CHAPTER 14

An Act to Amend Section 2038, Revised Codes of Montana, 1935, Relating to the Traveling Expenses of County Assessors and Their Deputies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2038, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 2038. **Traveling Expenses of Assessor and Deputies.** The assessor in each county in this state shall be paid the actual and necessary traveling expenses, *not exceeding two hundred dollars ($200.00) in any one year, and his deputies shall be paid the actual and necessary traveling expenses not exceeding* fifty dollars ($50.00) each, in any one month, during the months of March, April, May and June, incurred while in the performance of official duty, upon presenting and filing verified *claims* Traveling expenses of assessor and deputies.

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therefor, supported by vouchers for each item of expense to the board of county commissioners of their respective county; provided, that in counties in which the county assessor has no deputy or deputies, that he shall be paid the actual and necessary traveling expenses by him incurred, not to exceed one hundred dollars ($100.00) in any one month, during the months of March, April, May, and June of each year while in the performance of official duty, upon presenting and filing verified *claims* therefor, supported by vouchers for each item of expense, to the board of county commissioners of his county."

Remuneration.

Approved February 3, 1943.

CHAPTER 15

An Act to Amend Section 5278.1 of the Revised Codes of Montana of 1935, as Amended by Chapter 12 and Chapter 108 of the Laws of 1937 and to Amend Section 5278.6 of the Revised Codes of Montana of 1935, as Amended by Chapter 108 of the Laws of 1937, Relating to the Issuance of Bonds by Cities and Towns and Providing the Procedure for Issuing Refunding Bonds and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5278.1 of the Revised Codes of Montana of 1935, as amended by Chapter 12 and Chapter 108 of the Laws of 1937, be, and the same is hereby amended to read as follows:

"Section 5278.1. **Creation of Indebtedness—Submission to Tax Payers.** Whenever the Council of any city or town having a corporate existence in this state, or hereafter organized under any of the laws thereof, shall deem it necessary to issue bonds for any purpose whatever, under its powers as set forth *in any statute or statutes of the State of Montana*, or amendments thereto, the question of issuing such bonds shall first be submitted to the qualified electors of such city or town in the manner hereinafter set forth; provided, however, that it shall not be necessary to submit to such electors the question of issuing funding or refunding bonds to fund or refund warrants

Issuance of bonds to be submitted to electors.

Issuance of funding bonds.

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or bonds issued prior to and outstanding on the first day of July, *1942*. In order to issue bonds to fund or refund warrants or bonds issued prior to and outstanding on the first day of July, *1942*, it shall only be necessary for the council, at a regular or duly called special meeting, to pass and adopt a resolution setting forth the facts in regard to the indebtedness to be funded or refunded, showing the reason for issuing such bonds and fixing and determining the details thereof, giving notice of sale thereof in the same manner that notice is required to be given of the sale of bonds authorized at an election, and then following the procedure prescribed in this act for the sale and issuance of such bonds."

Section 2. That Section 5278.6 of the Revised Codes of Montana of 1935, as amended by Chapter 108 of the Laws of 1937, be, and the same is hereby, amended to read as follows:

"Section 5278.6. **Petition for Election—Form—Proof.** No bonds shall be issued by a city or town for any purpose, except to fund or refund warrants or bonds issued prior to and outstanding on July first, *1942*, as authorized in Section 5278.1, unless authorized at a duly called special or general election at which the question of issuing such bonds was submitted to the qualified electors of the city or town, and approved, as hereinafter provided, and no such election shall be called unless there has been presented to the city or town council a petition, asking that such election be held and question submitted, signed by not less than twenty per centum (20%) of the qualified electors of the city or town who are taxpayers upon property within such city or town and whose names appear on the last completed assessment roll for state and county taxes, as taxpayers within such city or town. Every petition for the calling of an election to vote upon the question of issuing bonds shall plainly and clearly state the purpose or purposes for which it is proposed to issue such bonds, and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may be a separate petition for each purpose, or two (2) or more purposes may be combined in one (1) petition, if each purpose with an estimate of the amount of bonds to be issued therefor is separately stated in such petition. Such petition may consist of one (1) sheet, or of several sheets identical in form and fastened together, after being

Petition for election.

Form of petition.

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circulated and signed, so as to form a single complete petition before being delivered to the city or town clerk, as hereinafter provided. The petition shall give the street and house number, if any, and the voting precinct of each person signing the same.

"Only persons who are qualified to sign such petitions shall be qualified to circulate the same, and there shall be attached to the completed petition the affidavit of some person who circulated, or assisted in circulating, such petition, that he believes the signatures thereon are genuine and that the signers knew the contents thereof before signing the same. The completed petition shall be filed with the city or town clerk who shall, within fifteen (15) days thereafter, carefully examine the same and the county records showing the qualifications of the petitioners, and attach thereto a certificate, under his official signature, which shall set forth:

Certification of petition.

"(1) The total number of persons who are registered electors and whose names appear upon the last completed assessment roll for state and county taxes, as taxpayers within such city or town.

"(2) Which, and how many of the persons whose names are subscribed to such petition, are possessed of all of the qualifications required of signers to such petition.

"(3) Whether such qualified signers constitute more or less than twenty per centum (20%) of the registered electors whose names appear upon the last completed assessment roll for state and county taxes, as taxpayers within such city or town."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1943.

CHAPTER 16

An Act Providing a Means by Which Any Citizen May Have His Birth Date Judicially Determined; Providing for the Notice to Be Given of a Hearing; Giving to the District Courts Jurisdiction Thereof; Providing for an Appeal; and Designating the Fees to Be Paid to the Clerk of Court in Connection Therewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Petition for judicial determination of date of birth.

Section 1. For the purpose of having a judicial determination of the date of birth, any citizen of the United States, either natural born or naturalized, may file with the clerk of the district court of the county of his residence a petition, which petition must be duly verified by the petitioner, and must contain the following:

Contents of.

A. That the petitioner is a citizen of the United States; that he has resided in the State of Montana for one (1) year last past and in the county in which the action is brought for at least ninety (90) days immediately preceding the commencement of the action; the place of his birth; the names of his parents, together with the place of the birth of each of his parents and their address, if they are living; the name and address of each of his brothers and sisters; if the address of either of the parents or of any of the brothers or sisters are not known, then their last known place of address must be given.

In case of foreign born petitioner.

B. If the petitioner was born outside of the United States then the petition must state whether his parents came to the United States; and if so, where they came and where they resided or reside; whether they or either of them were naturalized within the United States; and if so, when and where such naturalization took place.

Date and notice of hearing.

Section 2. Upon the filing of this petition with the clerk of the district court an order shall be made by the court or judge thereof fixing the date of the hearing of the petition and directing that notice of such hearing be given as in such order set forth. Notice shall be given by posting in three (3) public places within the county for a period of not less than ten (10) nor more than thirty (30) days as the court, in its discretion, shall determine.

Objections.

Any citizen of the United States may appear and object to the granting of such petition, but all such objections shall be made in writing.

Hearing and judgment.

Section 3. At the time fixed for the hearing of such petition the petitioner must appear and testify. Upon the hearing thereof, affidavits shall be received in evidence and shall have the same force and effect as if the testimony had been taken by deposition. If the court shall be satisfied by competent evidence of the sufficiency of the peti-

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tion that the applicant is a citizen of the United States; that he has been a citizen of the State of Montana for one (1) year last past and of the county for more than ninety (90) days preceding the filing of the petition, and that the applicant's date of birth is proven, then the court shall render judgment accordingly and that judgment shall constitute conclusive evidence of the date of the birth of the applicant.

Fees.

Section 4. That the petitioner, upon the filing of the petition, must pay to the clerk of court a fee of one dollar ($1.00), and upon the entry of judgment the applicant must pay to the clerk of court an additional fee of one dollar ($1.00). No charge shall be made for posting of the notices required hereunder. If the applicant shall provide a true copy of the judgment rendered, then the clerk of court must certify the same without additional charge. That the clerk of the court shall certify to two copies of such judgment, and file one with the bureau of vital statistics, state board of health, Helena, Montana, and the other with the county clerk and recorder of the county in which the judgment was obtained.

Certified copies of judgment to be filed, where.

Transfer of proceedings to proper county.

Section 5. If, upon the hearing of the petition it shall appear that the petitioner is entitled to have judgment entered as herein provided, but that the petition has been filed in the wrong county, then the court shall, by appropriate order, direct that the proceeding be transferred to the proper county.

Jurisdiction of district courts, appeal.

Section 6. The district courts of this state shall have exclusive jurisdiction to hear and determine all petitions hereunder. Any citizen may appeal from the judgment rendered the same as in civil actions.

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1943.

CHAPTER 17

An Act to Amend Section 9774 and Section 9781 of the Revised Codes of Montana of 1935, Relating to Notice of Motions and Other Notices and Prescribing Additional Time for Notices Given and Served by Mail, and Repealing All Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9774 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"9774. **Notice of Motion—at What Time to Be Given.** When a written notice of a motion is necessary, it must be given five days before the appointed time for the hearing, if both parties reside in the county where the court is held; otherwise, ten days. When the notice is served by mail, the number of days before the hearing must be increased *an additional five days;* but in all cases the court, or a judge thereof, may prescribe a shorter time."

Notice of motion, at what time to be given.

Section 2. That Section 9781 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"9781. **Service by Mail, How.** In case of service by mail, the notice or other paper must be deposited in the postoffice, addressed to the person on whom it is to be served, at his office or place of residence, and postage paid. The service is complete at the time of the deposit, but if within a given number of days after such service a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done is extended *an additional five days.*"

Service by mail.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 5, 1943.

CHAPTER 18

An Act to Amend Section 2737.1, Revised Codes of Montana, 1935, Relating to the Powers of the State Fire Marshal.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2737.1, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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Powers of the State Fire Marshal.

"Section 2737.1. **Powers of the State Fire Marshal.** In addition to the powers heretofore granted, the state fire marshal shall have powers as per sections following:

"1. The inspection and regulation of moving picture shows and theaters.

"2. Overseeing the safety of and directing the means and adequacy of exit in case of fire from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, hotels, and rooming houses, and all other places where large numbers of persons work, sleep, live or congregate from time to time for any purpose.

"3. That the state fire marshal shall make at least one inspection during every year, of each state institution, and submit a copy of the report to the board of examiners with recommendations in regard to fire protection.

"4. The state fire marshal and the commissioner of insurance are hereby given power to do all things necessary and convenient for carrying into effect the laws of this state governing this act and may, from time to time, promulgate necessary rules and regulations for the better protection of the lives and property of the public."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after July 1, 1943.

Approved February 5, 1943.

CHAPTER 19

An Act to Amend Sections 757, 758 and 773, Revised Codes of Montana 1935, Relating to Examination and Approval of Voting Machines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 757, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

Examination of voting machines by Secretary of State.

"Section 757. **Voting Machines—Secretary of State.** It shall be the duty of the secretary of state to examine, or cause to be examined, all voting or ballot machines in

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order to determine whether such machines comply with the requirements Chapter 70 Political Code, Revised Codes of Montana 1935, and can safely be used by voters at elections under the provisions of said chapter, and no machine or machines shall be provided or used at any election in this state unless such machine or machines shall have received the approval of the secretary of state as herein provided. The secretary of state may employ two qualified mechanics, who shall be qualified electors of the State of Montana, to examine said machines and assist him in the discharge of his duties under said chapter, the compensation to be paid such qualified mechanics not to exceed the sum of ten dollars ($10.00) each for each day actually employed. Any machine or machines which shall have the approval of the secretary of state may be provided for in this chapter. The report of the secretary of state on each and every kind of voting machine shall be filed in his office within thirty days after examining the machine, and he shall, within five days after the filing of any report approving any machine or machines transmit to the board of county commissioners, city or town council or other board of officers having charge and control of elections in each of the counties, cities and towns in this state, a list of the machines so approved. No machine or machines shall be used unless they shall have received the approval of the Secretary of State at least sixty days prior to any election at which such machine or machines are to be used. The compensation of the mechanics and all other expenses connected with the examination of any machine shall be paid, or caused to be paid, by the person or company submitting a machine for examination before the filing of the report thereon. The amount of such expenses shall be certified by the state auditor and paid to the state treasurer."

Report.

Use of machines not approved forbidden.

Expenses of examination.

Section 2. That Section 758, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 758. **Specifications of Machines Required.** No machine or machine system shall be approved by the secretary of state unless it is so constructed as to afford every elector a reasonable opportunity to vote for any person for any office, or for or against any proposition for whom, or for or against which he is entitled by law to vote, and enable him to do this in secrecy; and it must

Specification of machines required.

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be so constructed as to preclude an elector for voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office or on any proposition, for whom or on which he is not entitled to vote. The machine or machine system must admit of his voting a split ticket as he may desire. It must also be constructed as to register or record each and every vote cast. For presidential electors one device may be provided for voting for all the candidates on one party at one time by the use of such device, opposite or adjacent to which shall be a ballot on the machine containing the names of all the candidates for all presidential electors for that party, and a vote registered or recorded by the use of such device shall be counted for each of such candidates on said ballot. The machine must be so constructed that it cannot be tampered with or manipulated for any fraudulent purpose; and the machine must be so locked, arranged, or constructed, that during the progress of the voting no person can see or know the number of votes registered or recorded for any candidate or for or against any proposition."

Construction to be fraud proof.

Section 3. That Section 773, Revised Codes of Montana 1935, be and the same is hereby amended to read as follows:

"Section 773. **Experimental Use of Machines—Defective Machines.** The proper officers authorized by Section 759 to adopt voting machines, may provide for the experimental use at an election of a machine or machines, approved by the secretary of state, in one or more precincts, without a formal adoption or purchase thereof, and the use thereof at such election shall be as valid for all purposes as if formally adopted. If from any cause a machine becomes unworkable, or unfit for use, voting shall proceed as in cases where machines are not used, and the county clerk must furnish each voting place with the supply of ballots and other supplies required by the election laws, to be used in case of emergency herein provided for, and in such case only."

Experimental use of machines.

Voting in case machine becomes unworkable.

Section 4. All voting machines heretofore approved in accordance with the provisions of said Sections 757 and 758 prior to the amendment thereof by this act, and now owned and used by any of the several counties, cities or towns in this state, may be continued in use by such counties, cities and towns without the same being required

Voting machines heretofore approved.

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to be again approved by the secretary of state in accordance with the provisions of said sections as hereby amended.

Effective date.

Section 5. This act shall be in full force and effect on and after July 1, 1943.

Approved February 5, 1943.

CHAPTER 20

An Act to Amend Section 4986 of the Revised Codes of Montana, 1935, Relating to the Platting of Tracts of Land, Said Amendment Providing That If Persons Holding Mortgages or Other Claims or Liens Consent to the Platting, the Same May Be Approved Without the Release of Such Claims; said Amendment Providing for the Method of Determining How Such Plats Shall Be Approved.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4986 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows, to-wit:

"Section 4986. **Abstract of Title—Release of Mortgage or Other Lien—Inclusion of Release and Judgment in Abstract**—*Provision for Consent in Lieu of Release of Mortgages or Other Liens.* The owner of the land so surveyed and platted must have prepared and file with said plat an abstract of the title of the land; such abstract of title must be prepared and certified to by an abstractor who has been duly qualified to engage in the business of compiling abstracts of titles to real estate in the State of Montana; such abstract of title must be submitted to the county attorney of the county when said platted land is outside of any city or town, or to the city or town attorney if said platted land is within the boundaries of any city or town, to examine and indorse on said abstract of title his examination of the same, and that the person making the certificate of dedication is the owner in fee simple of said land so platted. Persons holding any mortgage or other claim or lien against said land must sign, acknowledge, and record a release in full of any and all claims against the same, which must be shown in the abstract of title as filed; and if the county attorney or city attorney refuses to certify to said title as herein pro-

Abstract of title.

Examination by county, city or town attorney.

Release of mortgage or other lien.

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vided, it shall be the duty of the person claiming to own said land in fee simple to begin suit to quiet title and prosecute the same to final judgment. After final judgment is had, he shall include a certified copy of such judgment in said abstract of title, preceding the certificate of said abstractor, and it shall be followed by the certificate of said county or city attorney, as the case may be, and such abstract of title shall, together with the plat, be filed with the proper officer; *provided, however, that the owners in fee simple of any lot or lots or tract of land may plat the same as provided by law without securing the release of mortgages, claims, or liens against the same if the persons, firms or corporations holding mortgages or other claims or liens of record consent to the platting of such land by filing with such plat a written consent duly acknowledged. In the platting of such tracts or lots, the lots or tracts as platted shall coincide in area with the description on the recorded deed of each owner at the time of platting so that the description in any mortgage, lien or claim of record can be identified on the plat, and the plat shall contain a metes and bounds description corresponding to the number or other designation of each lot on the plat so that it is apparent from the plat that the lot number or other designation describes the same property. In the filing and approval of such plats, it shall not be necessary to furnish or deposit a complete abstract of title for examination, but before filing such plats, the same shall be submitted to the county attorney of the county when said platted land is outside of any city or town, or to the city or town attorney if said platted land is within the boundaries of any city or town, together with a certificate from a licensed abstractor showing the names of the owners of said tracts or lots together with an exact description of their property as shown by the deeds of record to said owners and showing the names of any mortgagees or other lienholders or claimants of record against said property so that it may be determined that the owners and the persons holding mortgages or other claims or liens have consented to the filing of said plat as herein provided. If it is determined that the owners have joined in the plat and that all mortgagees, lienholders or claimants have consented as herein required and that the plat identifies the property of each owner as herein required, then the plat may be filed in the same*

Suit to quiet title, when.

Release of mortgages or other liens not necessary if holders consent to platting.

Platted lots must coincide with recorded deed of owners at time of platting.

Certificate by abstractor in lieu of complete abstract.

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manner as other plats and in accordance with the provisions of this chapter.''

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 5, 1943.

CHAPTER 21

An Act to Validate and Confirm Sales or Dispositions Heretofore Made or Attempted to Be Made by Any County of Any Property in Which Such County Had or Claimed Any Right, Title or Interest, and All Instruments of Transfer or Conveyance Heretofore Made or Executed by Any County, and to Declare That All Such Sales, Dispositions and Instruments Have Vested in the Grantee or Purchaser, as of the Date Thereof, All Right, Title and Interest of the County in and to the Property Described or Covered.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All sales or dispositions heretofore made or attempted to be made by any county of any property in which such county had or claimed any right, title or interest are hereby validated and confirmed, and all instruments of transfer or conveyance heretofore made or executed by any county are hereby validated and confirmed, and all such sales, dispositions and instruments are hereby declared to have vested in the grantee or purchaser, as of the date thereof, all right, title, estate and interest of such county in and to the property described or covered. Validation of sales of property by county.

Section 2. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable. Severability of act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 5, 1943.

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CHAPTER 22

An Act to Amend Sections 3206, 3209, 3210, and 3211.1 of the Revised Codes of Montana of 1935; Relating to the Organization of the State Board of Examiners for Nurses; Granting to the State Board of Examiners for Nurses Authority to Adopt Rules and Regulations; Providing for Issuance of Temporary Certificates to Nurses From Other States Under Certain Conditions During World War II; Exempting Nurses Registered Under the Act and Serving With the Armed Forces From the Payment of the Annual Registration Renewal Fee; and Further Providing How Monies Collected by the State Board of Examiners for Nurses May Be Expended.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3206 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"3206. **Organization of Board—Officers and Compensation.** The members of the board shall, immediately after their appointment, meet at the city of Helena for the purpose of organizing said board, and shall elect one of their number president, and shall also elect a secretary, who shall not be a member of the board, who shall also act as inspector of the training schools for nurses, and perform such other services as may be required by the board, and who shall devote her entire time to such work. The board shall adopt a seal which shall remain in the custody of the secretary; the secretary shall keep the records and minutes of the meeting of the board, and shall record in a suitable book the names of all the nurses and training schools registered under this act. The president and secretary of said board shall hold office for the period of one year, and until their successors are appointed and qualified. *The treasurer of the board shall be the state treasurer of the State of Montana, with whom all monies collected by the board shall be deposited and who shall keep and hold such monies in a fund separate from all other money in his custody.* The salary of the secretary shall be settled and fixed by the board, not exceeding, however, the sum of twenty-four hundred dollars, ($2400.00) per year. The other members of the board shall receive

Organization of board.

Officers and compensation.

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ten dollars ($10.00) per day while actually engaged in attendance upon meeting of said board, and ten dollars ($10.00) per day for actual time lost in traveling to and from board meetings, and necessary expenses incurred in attending such meetings. Compensation of members.

"This shall be in full for their expenses, same to be paid from the funds in the hands of the treasurer of the board."

Section 2. That Section 3209 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"3209. *Rules and Regulations of Board*—**Examination of Applicants.** The board shall adopt rules *and regulations,* which may be changed from time to time for the examination of applicants for registration under this act *and for carrying out the provisions of this act,* and the board shall meet not less than once each year for the purpose of conducting examinations for applicants for registration. The time and place of meeting of said board shall be advertised in the public press, and notice shall be sent to each training school registered under this act, to each regularly organized association of nurses within this state, to at least one journal of nursing, and notice shall be mailed to each person who has made application for examination under the provisions of this act, at least thirty days prior to said meeting. At such meeting it shall be the duty of the board to examine all persons who are applicants for registration under this act, and to recommend to the governor each duly qualified applicant who shall have successfully passed said examination." Rules and regulations of board. Notice of meeting of board. Examination of applicants.

Section 3. That Section 3210 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"3210. **Qualifications of Applicants—Evidence of—Registration Fee.** Applicants for registration under the provisions of this act shall furnish satisfactory evidence that he or she is at least twenty-one (21) years of age, of good moral character, and has been graduated from a school of nursing connected with a general hospital approved by the board, where a systematic course of at least three (3) years' instruction is given, except in the cases hereinafter provided for; provided, that the board may Qualifications of applicants for registration.

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grant proper credit upon such three (3) year period to any student for previous study or training under such rules and regulations as the board may prescribe.

Qualification of students at schools of nursing.

"No school of nursing shall accept students under eighteen (18) years of age, nor students who have not graduated from an accredited high school. A copy of the high school credits certified to by the principal and filed in the school of nursing shall be prima facie evidence of graduation.

Registration fee.

Temporary certificate.

"All persons registered under the provisions of this act shall pay to the secretary of the board a registration fee of fifteen dollars ($15.00), *except that it shall be within the discretion of the board of examiners for nurses, to issue to a nurse registered under the laws of any other state having requirements for registration substantially equivalent to those of Montana, a temporary certificate upon the payment of a temporary certificate registration fee of one dollar ($1.00), such temporary certificate to entitle the holder thereof to practice the profession of nursing in the State of Montana during the duration of the present World War II and for six (6) months after the termination thereof. If such nurse who holds a temporary certificate later applies for regular registration under this act, the temporary certificate registration fee of one dollar ($1.00) shall be credited toward the payment of the regular registration fee of fifteen dollars ($15.00) above provided.*"

Section 4. That Section 3211.1 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Renewal of certificate of registration.

Fee.

"3211.1. **Renewal of Certificate—Fee.** During the month of December of each year, every registered nurse shall renew his or her certificate of registration for the year beginning January first with the board of examiners for nurses, for which renewal, a fee of one dollar ($1.00) shall be paid to the treasurer of said board. The board may grant a renewal without fee for reasons which are satisfactory to it, and upon granting such renewal the secretary of such board shall issue a certificate of renewal of registration.

"*Those nurses registered under this act who have paid the regular registration fee of fifteen dollars ($15.00)*

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and are now serving or do in the future serve with the armed forces are specifically exempted from paying the annual renewal fee of one dollar ($1.00) specified above during the duration of the present World War II and for six (6) months thereafter, unless they sooner return to the practice of the nursing profession within this state."

Exemption from payment annual renewal fee.

Section 5. *The state board of examiners for nurses shall hold in reserve, for the necessary expenses incurred in the administration of this act, the sum of five thousand dollars ($5,000.00) accumulated from the registration and renewal fees collected by it under the authority of Section 3208 of the Revised Codes of Montana of 1935 and Sections 3210 and 3211.1 of the Revised Codes of Montana of 1935, as amended above. The state board of examiners for nurses shall have the authority and may, subject to the approval of the board of examiners of the State of Montana, use and expend all or any part of their said funds over and above the reserve fund of five thousand dollars ($5,000.00), hereinabove referred to, to promote nursing education, to elevate the standard of nursing service in the State of Montana, to promote the general welfare of the profession, and to purchase such equipment and materials as may be necessarily incident thereto.*

Reserve fund.

Authority of board to expend funds in excess of reserve.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 5, 1943.

CHAPTER 23

An Act to Amend Section 4465.4 of the Revised Codes of Montana of 1935, as Amended by Chapter 165 of the Laws of the Twenty-Seventh Legislative Assembly of Montana, Relating to the Power to Make, Time of Making, and Amount of Levies for the Support and Maintenance of the Indigent Sick and Otherwise Dependent Poor of the County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465.4 of the Revised Codes of Montana of 1935, as amended by Chapter 165, of the laws

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of the twenty-seventh legislative assembly of Montana, be, and the same is hereby amended to read as follows:

Power of Board of County Commissioners.

"Section 4465.4. The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:

Care of dependent poor.

"To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same, *and for said purposes to levy and collect annually, from each resident of the county, between the ages of twenty-one (21) and sixty (60) years a poll tax of two dollars ($2.00)* at a meeting of the board of county commissioners held in December of any year, to become effective as of January first of the following calendar year, and a tax on property not exceeding three-fifths (3/5) of one percent (1%), which last mentioned levy shall be made at the time other tax levies are made on property, as provided by law, or either of such levies when both are not required, and to expend not to exceed five percent (5%) of any such levy for the collection of said tax, or of any part thereof. Whenever a resolution is adopted levying a per capita tax the clerk of the board shall immediately prepare and deliver copies thereof to the county assessor and county treasurer. The county assessor after receiving such copy of resolution, when making an assessment of any property belonging to any person liable for the payment of such per capita tax must enter on the assessment list, and also on any statement given the taxpayer, showing the value of the property assessed, the amount of such per capita tax, and the county treasurer when collecting the taxes on such property shall at the same time collect the amount of such per capita tax as shown on said statement."

Poll tax.

Tax on property.

Expense for collection of tax.

Procedure for collecting per capita tax.

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 5, 1943.

CHAPTER 24

An Act to Amend Sections 3358 and 3370 and to Amend Section 3359, Revised Codes of Montana, 1935, Relating

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to the Stallion Registration Board, and Granting to and Imposing Upon the Livestock Sanitary Board Certain Powers and Duties Heretofore Granted to and Imposed Upon the Stallion Registration Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3358, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3358. **Duties of Board.** *It shall be the duty of the livestock sanitary board* to verify and register pedigrees; *to arrange for the examination of stallions to be licensed, in each county, by a competent graduate veterinarian;* to pass upon certificates of veterinary examination; to issue stallion license certificates; to make all necessary rules and regulations and to perform such other duties as may be necessary to carry out and enforce the provisions of this *chapter.*"

Duties of Livestock Sanitary Board.

Section 2. That Section 3370, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3370. **Disposition of Fees.** *The funds accruing from the above named fees shall be paid over to the state treasurer and by him deposited to the credit of the state general fund.*"

Disposition of fees.

Section 3. That Section 3359, Revised Codes of Montana, 1935, be, and the same is hereby repealed.

Section 4. *That the powers and duties granted to and imposed upon the stallion registration board by Sections 3357, 3360 to 3369, inclusive, and Sections 3371 to 3373, inclusive, Revised Codes of Montana, 1935, are hereby granted to and imposed upon the livestock sanitary board, and that wherever, in any of said sections, or in any other section or statute, the term or words stallion registration board may be used the same shall be deemed and construed to mean the livestock sanitary board, it being the intention of this act to abolish the stallion registration board as a separate board and entity, and to grant to and impose upon the livestock sanitary board all of the powers and duties heretofore exercised and performed by said stallion registration board.*

Certain powers of Stallion Registration Board hereby granted to Livestock Sanitary Board.

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Transfer of records.

Section 5. **Transfer of records.** *All records of the stallion registration board now at the Montana experiment station at Bozeman, shall be transferred to and placed in the office of the livestock sanitary board at the state capitol.*"

Approved February 5, 1943.

CHAPTER 25

An Act to Amend Section 5023 of the Revised Codes of Montana, 1935, Relating to Salary of City Attorney.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5023 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

Salary of City Attorney.

"5023. **Salary of City Attorney.** The annual salary and compensation of the city attorney must be fixed by ordinance, and must not exceed, in cities of the first class, three thousand dollars, and in cities of the second class must not exceed fifteen hundred dollars, and in cities of the third class must not exceed *ten* hundred dollars, which compensation shall be in full for all services rendered in any capacity, and no fee, percentage, or additional compensation must be given to or allowed him."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1943.

CHAPTER 26

An Act to Authorize the State Treasurer to Transfer Certain Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

State Treasurer authorized to transfer certain funds to State General Fund.

Section 1. All bonds and interest coupons of the educational bond issue, authorized by a vote of the people at the general election held November 2, 1920, by Initiative Measure No. 19, having been paid, the state treasurer is hereby authorized to transfer the unexpended balance

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in the educational bond interest and sinking fund, and all money which may hereafter be received for the credit of said interest and sinking fund, to the state general fund.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1943.

CHAPTER 27

An Act Providing for the Repeal of Chapter 116, of the Laws of the Twenty-fifth Legislative Assembly of Montana, 1937, Relating to Resignations of Candidates for Public Offices.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 116, Laws of 25th Assembly repealed.

Section 1. That Chapter 116, of the laws of the twenty-fifth Legislative Assembly of Montana of 1937, relating to resignations of candidates for public offices, be, and the same is hereby repealed.

Approved February 9, 1943.

CHAPTER 28

An Act to Permit Payment of Delinquent Installments on Certificates of Purchase of State Lands Without Paying Penalty Interest, Providing Such Installments Be Paid on or Before December 31st, 1944.

Be it enacted by the Legislative Assembly of the State of Montana:

Delinquent installments on state land purchase payable without payment of penalty interest, when.

Section 1. From and after the passage and approval of this act, any holder of a certificate of purchase of state lands under which any installments are delinquent shall be permitted to pay such delinquent installment or installments without the payment of any penalty interest thereon. Such payment must be made on or before the thirty-first day of December, 1944, and if not made on or before said date, then payment thereof can be made only by payment of such installment or installments with accrued penalty interest as now provided by law.

Section 2. The provisions of Section 1 hereof shall

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apply to payments of delinquent installments by persons applying under the provisions of Section 1805.89, Revised Codes of Montana, 1935, for reinstatement of a canceled certificate of purchase, and application for such reinstatement of any canceled certificate may be made within twelve (12) years of such cancelation, if made during the period of operation of this act as set forth in Section 1 hereof.

Reinstatement of canceled certificate of purchase.

Section 3. It shall be the duty of the commissioner of state lands to mail notice to holders of certificates of purchase of state lands upon which any installment or installments are delinquent and to any persons who held certificates of purchase of state lands which are canceled, if the lands embraced therein have not been resold, or leased, unless lessee is purchaser, to their last known address, advising them of their rights and the amount of delinquent installments, under the provisions of this act, within six (6) months from and after its passage and approval.

Notice to holders of delinquent or canceled certificates.

Section 4. If any section, subsection, sentence, clause or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentence, clause or phrase be declared unconstitutional, the same being necessary to the welfare of the State of Montana and the political subdivisions thereof by reason of the existence of an extraordinary emergency.

Severability of Act.

Section 5. This act stays the operation of all acts and parts of acts in conflict herewith until the thirty-first day of December, 1944, but does not otherwise affect such acts or parts of acts.

Stay of conflicting Acts.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 10, 1943.

CHAPTER 29

An Act to Repeal Section 1755.6 of the Revised Codes of Montana of 1935, Relating to Penalties for the Late Registration of Motor Vehicles.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1755.6 of the Revised Codes of Montana of 1935, be, and the same is hereby repealed.

Sec. 1755.6 R. C. 1935 repealed.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 10, 1943.

CHAPTER 30

An Act Relating to the Employment of Assistants, Deputies, Agents, Attorneys, Administrators, Engineers, Experts, Clerks, Accountants, Stenographers and Executive Attaches of All Civil Executive State Offices, Boards, Commissions, Bureaus and Departments of the State of Montana; Authorizing the State Board of Examiners to Fix the Number, Compensation, Term and Tenure of Office of All Such Employees; Authorizing the Heads of Departments and Certain Institutions to Appoint and Discharge Their Own Employees and Repealing Chapter 5 of the Acts of the Twenty-fifth Legislative Assembly of Montana of 1937 and All Other Acts and Parts of Acts in Confliet Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of examiners of the State of Montana shall by resolution, fix and designate the number, compensation, term and tenure of office of all assistants, deputies, agents, attorneys, administrators, engineers, experts, clerks, accountants, stenographers and executive attaches of all civil executive state offices, boards, commissions, bureaus and departments of the State of Montana.

Number, compensation and tenure of employees of civil executive State offices to be fixed by Board of Examiners.

Section 2. The civil executive state offices, boards, commissions, bureaus and departments of the State of Montana and the heads of state institutions, with the exception of state educational institutions under the jurisdiction of the state board of education, shall have the power to appoint their own employees of the several classes enumerated in Section 1 of this act, in the manner and for the compensation fixed by the state board of examiners. Such civil executive state officers, boards, commissions, bureaus, departments and the heads of the

Executive State departments authorized to appoint and discharge employees, educational institutions excepted.

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institutions designated above shall have the power to discontinue the services of any of said employees; provided, however, that the state board of health, unemployment compensation commission and the department of public welfare shall in the appointment and discharge of such assistants, deputies, agents, attorneys, administrators, engineers, experts, clerks, accountants, stenographers and executive attaches, conform to and abide by all statutes of the United States of America relating to the establishment and maintenance of personnel standards on a merit basis for the said board, commission and department.

Certain departments must conform U. S. statutes relating to personnel.

Section 3. Chapter 5 of the acts of the twenty-fifth legislative assembly of Montana of 1937 and all other acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 11, 1943.

CHAPTER 31

An Act to Continue the Legal Status of Newspapers Which Have Suspended, or Shall Hereafter Suspend Issue, Due to the War Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No newspaper which shall have been qualified to contract with boards of county commissioners or which possessed a legal status on December 7, 1941, as provided in Section 1 of Chapter 118 of the Session Laws of the twenty-fifth legislative assembly of Montana of 1937, shall lose its qualification so to contract, or its legal status, if it shall suspend, or shall have heretofore suspended publication by reason of conditions arising from the present war emergency; provided, that such newspaper shall resume its issue within six (6) months after peace shall have been concluded with the last of the powers against whom the United States of America has now declared war, and further provided, that such issue shall be resumed by the person who was the owner of such newspaper on December 7, 1941, or his legal successors or assigns.

Legal status of newspapers suspended by reason of war emergency not lost, if publication is resumed within time specified.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 13, 1943.

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CHAPTER 32

An Act to Repeal Sections 12,522, 12,523, 12,528, 12,530, 12,531 and 12,534, and to Amend Section 12,533 of the Revised Codes of Montana, 1935, All Relating to the State Vocational School for Girls.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. That Sections 12,522, 12,523, 12,528, 12,530, 12,531 and 12,534 of the Revised Codes of Montana, 1935, be, and the same and each and all thereof are hereby repealed.

Section 2. That Section 12,533 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Curriculum.

"Section 12,533. **Curriculum**. The curriculum of the school shall include home economics *and such academic and vocational subjects designated by and of the standards required by the state board of education.*"

Tenure of members of Executive Board.

Section 3. *The members of the executive board now in office shall continue in their offices for the terms for which appointed in accordance with the provisions of Section 12,522, but as their terms shall end the members of such board shall be appointed in the manner provided by Section 844, Revised Codes of Montana, 1935.*

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect on and after its passage and approval.

Approved February 12, 1943.

CHAPTER 33

An Act to Amend Section 4630.4 and 4630.6, Revised Codes of Montana, 1935, as Amended by Chapter 135, Session Laws 1937, Relating to the Issuance of Bonds by Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4630.4, Revised Codes of Mon-

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tana, 1935, as amended by Chapter 135, Session Laws, 1937, be, and the same is hereby amended to read as follows:

"Section 4630.4. **Term of Bonds—Power to Redeem—Maximum Interest.** No bonds issued for any of the purposes designated in Subdivisions (a), (b), or (c), of Section 4630.1, shall be for a longer term than twenty (20) years; no bonds issued for any of the purposes designated in subdivisions (d), or (e), of Section 4630.1, shall be for a longer term than ten (10) years.

Term of bonds.

The following limitations as to term shall apply to all bonds issued under Subdivision (f) of Section 4630.1; *No bonds shall be issued for a longer term than ten (10) years, provided, that if the unexpired term of the bonds to be refunded shall be more than ten (10) years then, in such event, the refunding bonds may be issued for such unexpired term; or if such ten (10) year term* will require an annual tax levy for *payment* of such *refunding* bonds exceeding ten (10) mills on all property subject to taxation in the county, *then, in such event,* the term may be so extended as to reduce the required annual levy to ten (10) mills, provided, however, that the term shall not under any circumstances exceed twenty (20) years.

Term limited as to certain bonds.

No bonds issued for any of the purposes designated in Subdivision (g) of Section 4630.1 shall be for a longer term than five (5) years.

Bonds issued for purposes designated in Sub. Div. (g), Sec. 4630.1 R. C. 1935.

Bonds issued for any of the purposes designated in Subdivisions (h) and (i) of Section 4630.1 shall not be for a longer term than will be required to repay the bonds with interest through a tax levy of ten (10) mills on all the property within the county subject to taxation and the term shall not exceed twenty (20) years. The length of the term required shall be estimated and calculated by the board of county commissioners based upon the percentage of valuation of the property upon which taxes are levied and paid within such county as ascertained from the last completed assessment for state and county taxes taking into account probable changes in the taxable valuation and losses in tax collections, provided, however, that irrespective of any miscalculation by the county commissioners in fixing the term of the bonds the county must from year to year make a sufficient tax levy to pay the

Bonds for purposes designated in Sub. Div. (h) and (i), Sec. 4630.1.

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interest and installments on principal on the bonds as the same fall due.

All bonds issued for a longer term than five (5) years shall be redeemable at the option of the county five (5) years from the date of issue and on any payment due date thereafter before maturity and shall be so stated on the face of the bonds. The maximum rate of interest which any of such bonds may bear shall be six per cent (6%) per annum and shall be payable semiannually."

Redemption and interest rate.

Section 2. That Section 4630.6, Revised Codes of Montana, 1935, as amended by Chapter 135, Session Laws, 1937, be, and the same is hereby amended so as to read as follows:

"Section 4630.6. **Bonds Issued for Certain Purposes May Be Issued Without Holding an Election.** Bonds issued for the purpose of enabling a county to liquidate its indebtedness to another county incident to the creation of a new county or the changing of a county boundary line; for the purpose of refunding, paying and redeeming optional, redeemable or maturing bonds; for the purpose of funding, paying in full, or compromising, settling and satisfying any judgment which may have been rendered against the county in a court of competent jurisdiction; and for the purpose of refunding any bonds for which the holders have agreed to accept less than the full amount of principal and interest in full payment and satisfaction; as set forth in Subdivisions (d), (e), (f), (g), (h), and (i), of Section 4630.1, may be issued without submitting the same to an election. *Provided, however, that no refunding bonds shall be issued, unless such refunding bonds shall bear interest at a rate of at least one-half of one per cent (½ of 1%) less than the outstanding bonds which are to be refunded.* In order to issue bonds for any of said purposes it shall only be necessary for the board of county commissioners, at a regular or duly called special meeting, to pass and adopt a resolution setting forth the facts in regard to the indebtedness to be paid or bonds to be refunded, showing the reason for issuing such bonds and fixing and determining the details thereof, giving notice of the sale thereof in the same manner that notice is required to be given of the sale of bonds authorized at an election, and then following the procedure prescribed in this act for the sale and issuance of such bonds.

Bonds for certain purposes may be issued without an election.

Interest rate on refunding bonds.

Procedure.

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Sale of bonds.

All bonds sold without submitting the question of their issue to an election, as herein authorized, shall be sold at open competitive bidding, but all sealed and written bids submitted for the purchase of such bonds shall be considered the same as open bids."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect on and after its passage and approval.

Approved February 12, 1943.

CHAPTER 34

An Act to Amend Section 3334 of the Revised Codes of Montana of 1935, Defining the Powers of State Stock Inspectors to Gather Estrays and to Dispose of the Same, and Repealing Section 3339 of the Revised Codes of Montana of 1935, Defining 'Estray'.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3334 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Stock inspectors shall take possession of estrays.

Sale thereof.

Estrays may be held, how long.

Advertising and public sale.

"Section 3334. Any stock inspector *authorized* by the Montana livestock commission shall take into his possession all estrays found within his district, *and shall either ship, or arrange for the shipment of, such estrays to a licensed livestock market for sale, the proceeds from such sale to be disposed of as provided for in Sections 3336 and 3338 of the Revised Codes of Montana of 1935; or he may* hold such estrays so collected by him in his possession, and care for the same in the cheapest and most practicable manner for a period of not less than thirty (30) days, nor more than sixty (60) days, during which time he shall advertise the facts that he holds such estray or estrays, and that unless claimed by the owner thereof he will, on a date to be specified in said notice, sell such estray or estrays at public auction to the highest bidder for cash, which said notice shall be published in the newspaper doing the county printing of the county wherein such estray or estrays are found, and in addition thereto

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in a paper published in the town or city nearest the place at which such estray is held, which said notice shall be published at least once a week for four (4) consecutive weeks, and shall contain a statement of the date of the sale, the place where such sale is to be held, and a general description of such estray, including the sex of the same and the approximate age, together with an illustration of the brand and the position of such brand upon such estray, together with a description of the place or locality where such estray was found or taken up; and the owner of such estray may appear and claim the same at any time prior to the sale or shipment, as hereinafter provided, and without cost or expense to said owner."

Owner may claim

Section 2. Section 3339 of the Revised Codes of Montana of 1935, defining "estray", is hereby repealed.

Sec. 3339 R. C. 1935 repealed.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force on and after July 1, 1943.

Effective date

Approved February 13, 1943.

CHAPTER 35

An Act to Provide in Addition to the Manner, Form and Proof of Acknowledgments, as Now Provided by Law, the Manner, Form and Proof of Acknowledgment of Instruments by Any Person Serving in or With the Armed Forces of the United States, Including the Army, Navy, Marine Corps, or Coast Guard, or Any Component or Any Arm or Service of Any Thereof, Including Any Female Auxiliary of Any Thereof, as Herein Designated or Otherwise, and Any Person Whose Duties Require His Presence with the Armed Forces of the United States, Within or Without the State of Montana or Without the United States, and Providing That Any Instruments Acknowledged in Accordance With This Act Shall Be Entitled to Recordation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That in addition to the manner, form and proof of acknowledgment of instruments as now pro-

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Persons in armed forces of U. S. may acknowledge instruments before certain officers in such forces.

vided by law, any person serving in or with the armed forces of the United States, including the army, navy, marine corps, coast guard, or any component or any arm or service of any thereof, including any female auxiliary of any thereof, and any person whose duties require his presence with the armed forces of the United States, as herein designated, or otherwise designated by law or military or naval command, may acknowledge any instrument, wherever located, either within or without the State of Montana, or without the United States, before any commissioned officer in active service of the armed forces of the United States, as herein designated, or otherwise designated by law, or military or naval command, or order, with the rank of second lieutenant or higher in the army or marine corps, or of any component, or any arm or service of either thereof, including any female auxiliary of any thereof, or ensign or higher in the navy or United States coast guard, or of any component or any arm or service of either thereof, including any female auxiliary of any thereof.

Section 2. The instrument shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment or otherwise shall be required, but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in the following form:

"On this.....day of....., 19.....,

Certificate of acknowledgment.

before me, ...,

the undersigned officer, personally appeared.....

....., known to me (or satisfactorily proven) to be serving in or with, or whose duties require his presence with the armed forces of the United States, and to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained, and the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States. Any instrument or document acknowledged in the manner and form herein provided shall be entitled to be recorded and shall be recorded as in the

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case of other instruments or documents properly acknowledged.

.....

Signature of Commissioned Officer.

.....

Rank of Commissioned Officer and Command or Organization to which Officer is attached."

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after the date of its passage and approval. Effective date.

Approved February 12, 1943.

CHAPTER 36

An Act to Provide, in Addition to the Persons Now Authorized by Law to Administer Oaths, and to Take Depositions and Affidavits, That Any Commissioned Officer of the Army, Navy, Marine Corps, or Coast Guard, or of Any Component or Any Arm or Service Thereof, Including Any Female Auxiliary of Any Thereof, May Administer or Take the Same for Any Person Serving in or With the Armed Forces of the United States and Also Any Person Whose duties Require His Presence With the Armed Forces of the United States, as Herein Designated or Otherwise.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That in addition to all persons and officers now authorized by law to administer oaths and affirmatives and to take depositions and affidavits, that it is hereby provided that any commissioned officer in the active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, or of any component, or any arm or service of either thereof, including any female auxiliary of any thereof, or ensign or higher in the navy or United States coast guard, or of any component or any arm or service of either thereof, including any female auxiliary of any thereof, may take depositions and affidavits and administer oaths and affirmations, in all matters, or to be used before any court, judge, officer, board, or keeper

Commissioned officers in armed forces may take depositions for persons in such forces.

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of records, in this state, for any person serving in or with the armed forces of the United States, as herein designated, or otherwise designated by law or military or naval command, or order, and any person whose duties require his presence with the armed forces of the United States. The person making oath or affirmation shall subscribe his (or her) name, together with grade or rank, if any, and name of command or organization in which service, or with which said person is present.

Authentication of instrument.

Section 2. Such officer, to authenticate such instrument after such instrument has been signed by the person so deposed, sworn or affirmed, shall add thereto the following:

"Subscribed and sworn to or affirmed before me this .....day of....., 19.....

.....

Signature of Commissioned Officer.

.....

Rank of Officer and Command or Organization to which Officer is Attached."

Repealing clause

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after the date of its passage and approval.

Approved February 12, 1943.

CHAPTER 37

An Act to Amend Sections 350.2 and 354 of the Revised Codes of Montana, 1935, Relating to the Application and Payment for Hail Insurance, and Enacting Two New Sections to Be Designated as Sections 350.3 and 350.4, Revised Codes of Montana, 1935, Relating to the Lien for Hail Insurance and Authorizing the State Board of Hail Insurance to Reinsure Risks Covered by Hail Insurance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 350.2, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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"Section 350.2. **Delinquent Taxes—Effect on Application—Cash Payment—Application by Delinquent—Crop Lien.** No owner of land who has more than one (1) year's delinquent taxes on his land shall be allowed hail insurance under the provisions of this act, unless his application is accompanied by a cash payment for the amount that would be due on said application in the event of a maximum levy for that year.

Delinquent taxes, effect on application.

Provided, however, that when an applicant for hail insurance tenders cash for the same to the county assessor, he shall be allowed a discount of four percentum (4%). His hail insurance shall be issued upon said cash payment less the four percentum (4%) mentioned. The charge for the insurance shall be based on the maximum rates shown on the application for hail insurance. If the current rates are reduced later the state board of hail insurance shall arrange for the proper refund to the insured. All cash received by the assessor shall be promptly turned over to the county treasurer who will furnish the insured with a current receipt and place the money in the hail insurance fund.

Cash payment discount allowed.

Provided, however, any grain grower unable to secure state hail insurance under the provisions of this act on account of delinquent taxes, or for other reasons, may make application to the county assessor of his respective county and said county assessor is hereby authorized to receive and accept such applications where the applicant furnishes a sufficient crop lien subject only to a seed lien; provided that such crop lien shall be accepted only under such rules, regulations and requirements as may be prescribed by the state board of hail insurance and providing that the state board of hail insurance may cancel any hail insurance accepted in violation of said rules, regulations and requirements. Upon receipt of said application the county assessor shall make record thereof and shall file the original in the office of the clerk and recorder of said county. He shall also cause an assessment for the proper amount to be made on the assessment rolls in the same manner provided for in the case of other special levies or assessments."

Crop lien in lieu of cash payment.

Provided, further, that no tenant who has delinquent hail insurance which was secured by a crop lien only and not secured by real estate shall be allowed another policy

Delinquent tenant.

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in any succeeding year until he pays his delinquent account or accounts, or until he pays cash for the current hail insurance.

Section 2. That Section 354, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Collection of levies.

"Section 354. **Collection of Levies—Release of Lien—** *Compromise.* The county treasurer in each county in the state, shall collect all levies made under this act in the same manner as other property taxes are collected and shall keep all moneys collected by him, *or for him,* for hail insurance in a separate fund to be known as the hail insurance fund, and remit the same to the state treasurer in the same manner as provided by law for the remittance of other moneys due to the state. All county treasurers shall use due diligence in making the collections of the levies provided herein. Also the state board may furnish assistance needed at any time in making collections or may take over the collection of any levy at any time, depositing any collections therefrom with the Treasurer of the county where the levy therefor was made. Whenever the amount due on any hail insurance secured by a crop lien is paid the treasurer shall promptly endorse on the lien on file in the office of the county clerk and recorder the amount paid thereon with the date of payment and such endorsement shall be a satisfaction and release of such lien."

Release of lien.

Reduction of charge in case of certain delinquent tenants.

If any tenant becomes delinquent for his hail insurance after having failed to apply for relief as provided by the state board under Section 353 of this act, he may apply to the board for a reduction. If his reasons for requesting a reduction are approved by the board, this board may reduce his charge to not less than one-half the original amount charged.

Section 3. That there be enacted two new sections to be designated as Sections 350.3 and 350.4, Revised Codes of Montana, 1935, to read as follows:

Hail insurance secured by crop lien only.

Section 350.3. Hail Insurance Secured by Crop Lien Only. When any hail insurance issued under this act is secured by a crop lien only said crop lien is hereby declared a first lien on the insured crop, except only any crop lien which may have been given to secure the pur-

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chase price for the seed which was bought and used to plant and produce the insured grain.

Section 350.4. Reinsurance. Because of the unusual or unexpected variation in the severity of damage to grain crops which occur from year to year and in order to enable the state hail insurance fund to spread the effect of these variations more evenly over all years, the state board is hereby authorized to negotiate for and to secure reinsurance of a part of the risk in any year when the need of such reinsurance appears advisable to the board. The state board is hereby authorized to use moneys from the hail insurance fund for the purchase of such reinsurance whenever it appears to the board that such reinsurance is necessary and advisable.

Reinsurance.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect on and after its passage and approval.

Effective date.

Approved February 12, 1943.

CHAPTER 38

An Act to Amend Section 4480 of the Revised Codes of Montana of 1935, Relating to the Employment by the Board of County Commissioners of Ferrymen to Operate Free or Toll Ferries and the Leasing of Ferries or Wharves by Said Board to Companies, Firms, or Individuals Under Certain Conditions, by Providing for the Ownership by Counties and the Management and Operation by Boards of County Commissioners of Free or Toll Ferries or Wharves for the Use of the Public; Providing for Employment of Ferrymen by Boards of County Commissioners; Declaring Such Operation a Governmental Function; Providing for the Leasing of Ferries or Wharves to Companies, Firms and Individuals for the Use of the Public Under Certain Conditions and Declaring Such Operation by Such Lessees to Be the Private Function of Such Lessees; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 4480 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"4480. *Any county of the state may own and establish and* the board of county commissioners *of any county of the state may operate and manage free or toll ferries and wharves for the use of the public and* may employ one or more ferrymen to operate *such* free or toll ferries *and wharves; and, while such ferry or wharves are so owned by any county and operated and managed by such board of county commissioners, such operation shall be and is hereby expressly declared to be a governmental function. The board of county commissioners may also lease any ferries or wharves owned by such county, to a company, firm, or individual to be operated for the use of the public; and said company, firm, or individual shall give bond in an amount deemed sufficient by the board of county commissioners, and conditioned for the careful and business-like operation of such ferry or wharf, in accordance with law and the regulations of said board. While such ferry or wharf is so operated by lessee of said county, such operation is expressly declared to be the private function of such lessee.*"

Counties may own and operate free ferries and wharves.

May lease same.

Bond by lessee.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall become effective from and after its passage and approval.

Approved February 12, 1943.

CHAPTER 39

An Act to Amend Section 5002 of the Revised Codes of Montana of 1935, Relating to the Divisions of Cities and Towns Into Wards.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5002 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

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"Cities of the first class must be divided into not less than four nor more than ten wards; cities of the second class into not less than three nor more than six wards; and cities of the third class into not less than two nor more than four wards; and towns into not less than two nor more than three wards. *Provided, however, that the town council may by ordinance reduce the number of wards in a town to only one if it so desires.* All changes in the number and boundaries of wards must be made by ordinance, and no new ward must be created unless there shall be within its boundaries one hundred and fifty electors, or more."

Division of cities and towns into wards.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 12, 1943.

CHAPTER 40

An Act to Amend Section 587 of the Revised Codes of Montana of 1935 as Amended by Chapter 61 of the Laws of 1937, Relating to the Appointment of Judges of Election, and to Amend Section 593 of the Revised Codes of Montana of 1935, Relating to the Appointment of Clerks of Election and to Repeal Section 599 of the Revised Codes of Montana of 1935, Relating to the Duty of the County Clerk to Forward Poll Books to Election Judges.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 587 of the Revised Codes of Montana of 1935 as amended by Chapter 61 of the laws of 1937, be, and the same is hereby amended to read as follows:

"Section 587. **Judges of Election—How Appointed.** The board of county commissioners of the several counties at the regular session next preceding a general election, must appoint five judges of election for each precinct in which the voters therein, by the last registration, were two hundred or more and three judges of election for each precinct in which such registration was less than two hundred, provided that in all election precincts in which there were cast three hundred and fifty or more ballots in the last general election or in which the board

Judges of election, appointment of.

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of county commissioners believe that as many ballots as three hundred and fifty will be cast in the next general election, the board of county commissioners may appoint a second or additional board consisting of five judges for each such precinct, who shall possess the same qualifications as the first board herein mentioned. The judges constituting the second board for each precinct, if such second board shall have been appointed, shall meet at their respective polling places, as designated in the order appointing them, at the time the polls are closed and at said hour or as soon as the first board has completed their duties in regard to the voting, the second board shall take charge of the ballot boxes containing the ballots and shall proceed to count and tabulate the ballots cast as they shall find them deposited in the ballot boxes. In the event that the count is not completed by eight o'clock A. M. of the next following day, the first board shall reconvene and relieve the second board and continue said count until eight o'clock P. M., when if the count is not yet completed, the second board shall reconvene and again relieve the first board, and so, alternately until said board shall have fully completed the count and certified the returns. The judges constituting the several boards shall number the ballots and count the tallies upon the tally sheets and so indicate upon the tally sheets as to distinctly show the work of each board separately. The board completing the count shall make such certification of returns as is required by law.

Second board, in certain cases, duties of.

The board of county commissioners, notwithstanding the foregoing provisions in this section contained, may however, appoint a single board of judges for each precinct in the county, when, in the judgment of said board of county commissioners, a second or additional board is unnecessary."

County Commissioners not obliged to appoint second board.

Section 2. That Section 593 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 593. The judges *may, whenever they deem it necessary for the prompt and efficient conduct of the election within their respective polling places, appoint* two persons having the same qualifications as themselves to act as clerks of the election. The judges *shall* continue *to be* judges of all elections to be held in their respective

Appointment of clerks by judges.

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precincts until other judges are appointed; and the clerks of election continue to act as such during the pleasure of the judges of election, and the board of county commissioners must from time to time fill vacancies which may occur in the offices of judges of election in any precinct within their respective counties."

Section 3. That Section 599 of the Revised Codes of Montana of 1935, be, and the same is hereby repealed. Sec. 599 R. C. 1935 repealed.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 12, 1943.

CHAPTER 41

An Act to Amend Section 10782 of the Revised Codes of Montana of 1935, Relating to Record of Candidates Statements of Expenses and Furnishing Copies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10782 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"10782. **Record of Statements—Copies.** All statements shall be preserved for six months after the election to which they relate, *and* shall be public records subject to public inspection, and it shall be the duty of the officers having custody of the same to give certified copies thereof in like manner as of other public records." Record of statements. Certified copies.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 12, 1943.

CHAPTER 42

An Act to Amend Sections 3298.16 and 3298.17 of the Revised Codes of Montana of 1935, Defining Butchers and Meat Peddlers, and Providing for the Licensing Thereof.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3298.16 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 3298.16. **Butcher and Meat Peddler Defined.** Every person, firm, corporation, or association who slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this state and who maintains slaughter houses for this purpose *and every person, firm, corporation or association who maintains a meat market or meat markets for the purpose of selling or distributing any of the meat or by-products of such cattle in this state, and who, in either case, complies* with the rules and regulations of the Montana livestock sanitary board and the state board of health, and with the city or town health ordinances where said business is operated, or any other ordinance pertaining to meat dealers, shall, for the purpose of this act, be designated a 'butcher'. Every other person, firm, corporation, or association who slaughters or causes to be slaughtered any neat cattle or who buys and sells any dress beef or veal, and who does not maintain a licensed slaughter house or market, shall, for the purpose of this act, be designated a 'meat peddler'."

Butcher defined.

Meat peddler defined.

Section 2. That Section 3298.17 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 3298.17. **Butchers' and Meat Peddlers' Licenses—Amount of Fees—Disposition of Moneys—Penalty for Failure to Display License—Cattle of Own Breeding.** Every butcher shall, before engaging in or conducting any *market or* business as such, in any county, pay to the county treasurer of such county a license *fee* of five dollars ($5.00) *for each such market or business so engaged in or conducted within the county*, which license shall continue in force and effect for the balance of the calendar year in which it was issued, and which shall be deemed null and void after January 1st of the succeeding year, and every meat peddler shall, before commencing or doing any business or performing any acts in any county as such meat peddler, pay to the county treasurer of such county, a license of one hundred dollars ($100.00), which shall continue in force and effect for the balance

Butchers' license, and fee.

Meat peddlers' license.

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of the calendar year in which it is issued, and w[illegible] shall be deemed null and void after January 1st [illegible] ue-ceeding year. It shall be the duty of every m[illegible]ler to have his license with him at all times when t[illegible]cting business, and it shall be the duty of every butcher to display his license in a conspicuous place in his market. Failure to have such license shall be deemed a misdemeanor. The county treasurers of the state are hereby authorized and required, upon the payment of such licenses, to issue a proper certificate of such payment. The moneys collected from such licenses shall be placed in the general fund of the county wherein collected.

"This section shall not apply to the slaughter of meat by any person, firm, corporation, or association who may slaughter or cause to be slaughtered any neat cattle of his or its own breeding, nor to the sale of slaughtered cattle of his or its own breeding; provided any person who shall sell the equivalent of more than twenty-five (25) carcasses, beef and/or veal, in any one (1) year shall take out a license as herein provided for."

Slaughter of cattle by owner's breeding.

Approved February 13, 1943.

CHAPTER 43

An Act to Amend Section 439 of the Revised Codes of Montana of 1935, Relating to Salaries of Janitors, Watchmen, Utility Men, Engineers, and the Carpenter at the State Capitol Building and the Power House of the State Capitol Building in Helena, Montana; and Providing such salaries shall be fixed by the Board of Examiners of the State of Montana in Its Sound Discretion.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 439 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"439. **Salaries of Janitors, Watchmen, Engineers, Carpenter.** From and after the passage of this act, the salaries of *janitors,* watchmen, utility men, engineers, and the *carpenter* at the state capitol building and the power house of the state capitol building at Helena, Montana,

Salaries of janitors and other employees at State Capitol.

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shall be fixed by the board of examiners of the State of Montana in its sound discretion."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1943.

CHAPTER 44

An Act to Secure Complete Data Pertaining to Births, Deaths, Stillbirths, Legitimations, Adoptions, Marriages, Divorces and Annulments of Marriage; to Authorize and Regulate the Use of Vital Statistics Records as Evidence; Define Terms, Providing Penalties, Publication of Regulation and Appointment of Registrars; to Authorize the State Board of Health to Make Regulations for the Enforcement of This Act, and Repealing Sections 2515 to 2539, Both Inclusive, of the Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** As used in this act:

Definitions: "Vital statistics".

(1) "Vital statistics" includes the registration, preparation, and transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, marital status and data incidental thereto.

"Live birth".

(2) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

"Stillbirth".

(3) "Stillbirth" means a birth after twenty (20) weeks of gestation which is not a live birth.

"Dead body".

(4) "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

"Person in charge of interment".

(5) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or

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dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(6) "Physician" means a person legally authorized to practice medicine in this state. "Physician".

(7) "Board" means state board of health. "Board".

Section 2. **Duties of State Board of Health.** The state board of health shall: Duties of State Board of Health.

(1) Establish a bureau of vital statistics with suitable offices properly equipped for the preservation of its official records;

(2) Install a statewide system of vital statistics;

(3) Make and may amend necessary regulations, give instructions and prescribe forms for collecting, transcribing, compiling and preserving vital statistics; and

(4) Enforce this act and the regulations made pursuant thereto.

Section 3. **Publication of Regulations.** The regulations of the board shall take effect after passage and approval by the board. Publication of Regulations.

Section 4. **Registration Districts.** The board shall divide the state from time to time into registration districts which shall conform to political subdivisions, or combinations thereof, or of parts thereof. Registration districts.

Section 5. **Appointment of State Registrar: Qualifications; Compensation.** The Board shall appoint a state registrar of vital statistics, who shall be qualified in accordance with standards of education and experience as the board shall determine and fix his compensation. Appointment of State Registrar; Qualifications; compensation.

Section 6. **Duties of State Registrar.** The state registrar, under the supervision of the state health officer, shall have charge of the bureau of vital statistics and be the custodian of all its files and records, and perform the duties prescribed by the board. He shall enforce this act and the regulations of the board and have supervisory power over local registrars. He shall submit to the board a biennial report of the administration of this act. Duties of State Registrar.

Section 7. **Local Registrars and Deputies.** The board on the recommendation of the state registrar shall appoint Local Registrars and Deputies.

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local registrars. A local registrar with the approval of the state registrar may appoint deputies. The local registrars shall immediately report to the state registrar violations of this act or the regulations of the board.

Other employees.

Section 8. **Other Employees.** The board shall provide other necessary assistance and determine the status, compensation and duties of persons thus employed.

Compulsory registration of births.

Section 9. **Compulsory Registration of Births.** Within the time prescribed by the board a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents.

Local Registrar to prepare birth certificate.

Section 10. **Local Registrar to Prepare Birth Certificate.** If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate. The board shall prescribe the time within which a supplementary report furnishing information omitted from the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by the supplementary report shall not be considered "delayed" or "altered".

Section 11. **Registration of Foundlings; Foundling Report.**

Registration of foundlings —report.

(1) Whoever assumes the custody of a child of unknown parentage shall immediately report to the local registrar in writing: (a) the date and place of finding or assumption of custody; (b) sex; color or race; and approximate age of child; (c) name and address of the person or institution with whom the child has been placed for care, and (d) name given to the child by the finder or custodian.

(2) The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

(3) The report shall constitute the certificate of birth.

(4) If the child is identified and a regular certificate

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of birth is found or obtained, the report shall be sealed and filed and may be opened only by court order.

Section 12. **Registration of Deaths and Stillbirths.** A certificate of every death or stillbirth shall be filed with the local registrar of the district in which the death or stillbirth occurred within three (3) days after the occurrence is known; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found within twenty-four (24) hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

Registration of deaths and stillbirths.

Section 13. **Death and Stillbirth Certificates.**

(1) The person in charge of interment shall file, with the local registrar of the district in which the death or stillbirth occurred or the body was found a certificate of death or stillbirth within three (3) days after the occurrence.

Death and stillbirth certificates.

(2) In preparing a certificate of death or stillbirth the person in charge of interment shall obtain and enter on the certificate the personal data required by the board from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

Certificate of stillbirth.

(3) Thereupon the funeral director or person in charge of interment shall notify the appropriate local registrar, if the death occurred without medical attendance, or the physician last in attendance fails to sign the death certificate. Then the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

Reference to coroner, when.

Section 14. **Delayed Determination of Cause of Death.**

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Delayed determination of cause of death.

If the cause of death cannot be determined within three (3) days, the certification of its cause may be filed after the prescribed period, but the attending physician or coroner shall give the local registrar of the district in which death occurred, written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

Form of certificates.

Section 15. **Form of Certificates.** The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States bureau of the census subject to approval of and modification by the board. The form and use of such certificate shall be subject to the provisions of Section 23.

Certificates of evidence.

Section 16. **Certificates of Evidence.** Certificates filed within six (6) months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.

Section 17. **Certified Copies.**

Certified copies.

(1) Subject to the requirements of Sections 21, 22 and 23 the state registrar shall, upon request, furnish to any applicant a certified copy of any certificate, or any part thereof.

(2) Copies of the contents of any certificate on file in the bureau of vital statistics or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original, subject to the requirements of Sections 21, 22 and 23.

Fees for copies and searches.

Section 18. **Fees for Copies and Searches.** The board shall prescribe the fees if any to be paid for certified copies of certificates, or for search of the files or records when no certified copy is made. Subject to Sections 21, 22 and 23, the United States bureau of the census may obtain transcripts, or without payment of fees, certified copies, provided the state is put to no expense in connection therewith.

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Section 19. **Accounting for Fees.** The state registrar shall keep an account of all fees received and turn the same over to the state treasurer to be placed in general fund. The state registrar shall give a fidelity bond approved by the board in the penal amount of one thousand dollars ($1,000.00).

Accounting for fees.

Section 20. **Delayed or Altered Certificates.** A person born in this state may file or amend a certificate after the time herein prescribed, upon submitting such proof as shall be required by the board or by any court.

Delayed or altered certificates.

Section 21. **Delayed and Altered Certificates; Procedure.**

(1) Certificates accepted subsequent to six (6) months after the time prescribed for filing, and certificates which have been altered after being filed with the state registrar, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered".

Delayed and altered certificates; procedure.

(2) A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate or on the back of the same.

(3) Such evidence shall be kept in a special permanent file.

Section 21-A. **Court Procedure to Establish Date and Place of Birth and Parentage.**

(1) Any person born in this state may petition any court of record of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitle him to such an order. The court shall fix the time and place of hearing the petition.

Court procedure to establish date and place of birth and parentage.

(2) If the court is satisfied from the evidence received at the hearing of the truth of the allegations of the petition and of the facts as to the time and place of the petitioner's birth and of his parentage, and that he resides in the county or was born there, the court shall make and enter an order reciting the jurisdictional facts and determining the time and place of the petitioner's birth and

Order of court.

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the names of his parents, and any other facts deemed relevant by the court.

Recording.

(3) The order or a certified copy thereof may be recorded in the office of the county clerk of the county and in the office of the state bureau of vital statistics.

Order as evidence.

(4) The order, the record thereof, and certified copies of the order or of the records shall be evidence of the truth of their contents and be admissible as proof thereof at all times and places the same as certificates of birth mentioned in Section 16. From the records thus received from the court the state bureau of vital statistics shall make a transcript of the important facts and make a delayed birth certificate on a form prescribed by the board. A certified copy of this delayed birth certificate shall constitute prima facie proof of the facts recited in it.

Delayed birth certificate.

Delayed or altered certificates as evidence.

Section 22. **Delayed or Altered Certificates as Evidence.** The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

Section 23. **Disclosure of Records.**

Disclosure of records.

(1) The records and files of the bureau of vital statistics are open to inspection, subject to the provisions of this act and regulations of the board; but it is unlawful for any officer or employee of the state to disclose data contained in vital statistics records, except as authorized by this act and by the board.

Disclosure of illegitimacy upon court order.

(2) Disclosure of illegitimacy of birth or of information from which it can be ascertained, may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose.

Inspection of records permitted, when.

(3) The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject, however, to review by the board or a court under the limitations of this section.

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(4) The board may permit the use of data contained in vital statistics records for research purposes, but no identifying use thereof shall be made.

(5) Subject to the provisions of this section the board may direct the state registrar to make a return upon the filing with him of birth, death and stillbirth certificates and of certain data shown thereon to federal, state or municipal agencies.

Section 24. In case of adoption of a person born in the State of Montana, it shall be the duty of the clerk of the district court to forward by the fifteenth of the following month a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar upon receipt of the certified copy of the order of adoption shall prepare a substitute certificate in the new name of the adopted person, naming the true date and place of birth and sex of said adopted person and statistical particulars of the foster parents in place of the natural parents. The state registrar shall strike out the words "ATTENDANT'S OWN SIGNATURE" on the substitute record and insert in their stead the words "STATE REGISTRAR" and sign as such, and all dates of recording are to be left as on the original. And the state registrar shall make such a substitute birth certificate if furnished with a certified copy of adoption for any birth certificate now in his custody. The state registrar shall send copies of the substitute record to the local registrar and to the county clerk and recorder, to be substituted for the copies of the original record in their possession. The local registrar and the county clerk and recorder shall forthwith enter the substitute record in their files and shall forward immediately to the state registrar the copies of the original birth record to be sealed with the original record in the files of the state registrar. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age, or by order of a court of competent jurisdiction. Upon receipt of a certified copy of a court order of annulment of adoption, the state registrar shall restore the original certificate to its original place in the files.

Adoption, duty of Clerk of Court.

Substitute birth certificate.

Section 25. **Legitimation.** In cases of legitimation the state registrar upon receipt of proof thereof shall prepare

Legitimation.

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a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon order of court. In substituting records in case of legitimation the same procedure shall be followed as provided in the section on adoptions.

Persons required to make records.

Section 26. **Persons Required to Make Records.** Persons in charge of institutions for care or correction or for treatment of disease, injury or childbirth shall record and report all statistical data required by this act relating to their inmates or patients.

Permit for removal, burial or other disposition.

Section 27. **Permit for Removal, Burial, or Other Disposition.** When a death or stillbirth occurs or a dead body is found the body shall not be disposed of or removed from the registration district until a permit has been issued by the local registrar.

Foreign permit for removal, burial, or other disposition of body.

Section 28. **Foreign Permit for Removal, Burial, or Other Disposition of Body.** When death or stillbirth occurs outside this state and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state but before the burial, cremation or other disposal of the body within this state the permit shall be endorsed by the local registrar who shall keep a record thereof.

Prerequisites for permit.

Section 29. **Prerequisites for Permit.** No permit under Section 27 shall issue until a certificate of death or stillbirth, as far as it can be completed under the circumstances of the case, has been filed and until all the regulations of the board in respect to the issuance of such permit have been complied with.

Transmittal of certificates to State Registrar.

Section 30. **Transmittal of Certificates to State Registrar.** Local registrars shall transmit all original certificates filed with them to the state registrar in accordance with regulations of the board, after having made duplicate copies of such certificates to be filed with the county clerk and recorder.

Compensation of local registrars.

Section 31. **Compensation of Local Registrars.** Each local registrar shall be paid the sum of twenty-five cents (25c) for each complete birth, death or stillbirth certificate

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returned by him to the state registrar in accordance with the regulations of the board. In case no birth, death or stillbirth was registered during any calendar month, the local registrar shall so report and be paid the sum of twenty-five cents (25c) for the report. The board is authorized to change by regulation the amounts specified herein to be paid to local registrars and the board shall limit the aggregate amount of fees to be paid per annum to any local registrar either by setting an annual aggregate maximum of such fees or by graduating the fees according to the number of registrations.

Payment of fees.

Section 32. **Payment of Fees.** Upon certification by the state registrar the fees of local registrars shall be paid by the treasurer of the proper county, out of the general fund of the county. The state registrar annually shall certify to the treasurer of the several counties the number of births, stillbirths and deaths certified from his county with the names of the local registrars and the amount due each.

Registration of marriages; marriage certificates filed.

Section 33. **Registration of Marriage; Marriage Certificates Filed.** Every clerk of district court who issues a marriage license shall forward to the state registrar on or before the fifteenth of each calendar month certification of certain information contained on marriage licenses on forms prescribed by the state registrar from each certificate of marriage which was filed with him during the preceding calendar month.

Marriage license fees.

Section 34. **Marriage License Fees.** Every officer authorized to issue marriage licenses shall be paid a recording fee of twenty-five cents (25c) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

Registration of divorces, annulments and adoptions.

Section 35. **Registration of Divorces, Annulments and Adoptions.** For each divorce, annulment of marriage, adoption or annulment of adoption, the clerk of the court shall prepare within thirty (30) days after the decree becomes final, certificate of such decree on a form prescribed by the state registrar; and before the fifteenth day of each calendar month the clerk shall forward to the state registrar the certificates prepared by him during the preceding calendar month.

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Section 36. **Penalties.**

Penalties.

(1) Any person who wilfully makes or alters any certificate or certified copy thereof provided for in this act, except in accordance with the provisions of this act, shall be fined not more than one thousand dollars ($1000.00), or be imprisoned not exceeding six (6) months, or both fined and imprisoned.

(2) Any person who knowingly transports or accepts for transportation, interment or other disposition a dead body without an accompanying permit issued in accordance with the provisions of this act, shall be fined not more than five hundred dollars ($500.00).

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform any of the duties imposed upon him by this act, shall be fined not more than one hundred dollars ($100.00).

Severability.

Section 37. **Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this act are declared to be severable.

Uniformity of interpretation.

Section 38. **Uniformity of Interpretation.** This act shall be so construed as to effectuate its general purpose.

Short title.

Section 39. **Short Title.** This act may be cited as the "Uniform Vital Statistics Act".

Repealing clause.

Section 40. **Repeal.** Sections 2515 to 2539 both inclusive of the Revised Codes of Montana of 1935 and all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Approved February 13, 1943.

CHAPTER 45

An Act to Amend Section 8395, Revised Codes of Montana, 1935, Relating to a Lien for the Services of a Stallion.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8395 of the Revised Codes of Montana, 1935, relating to a lien for the services of a

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stallion, be, and the same is hereby amended to read as follows:

"Section 8395. **Lien for Services of Stallion.** Whenever the owner or agent of any stallion shall have complied with the provisions of the two preceding Sections, and have secured a license from the *livestock sanitary board,* the services of such stallion shall become a lien on each mare served, together with a foal of such mare served from such service, in an amount agreed upon between the parties at the time of the service; or if no agreement was entered into by them, in such amount as specified as service fee of stallion or stallions in the statement of the owner or agent filed with the county clerk; provided, a notice of lien shall be filed within twelve (12) months after such service; such lien shall terminate at the end of one (1) year from the date of filing notice thereof, unless within that time an action shall be commenced for the enforcement thereof. The owner of any mare so served, or foal of any mare resulting from such service, upon which there exists a lien on file for stallion service, as herein provided, who shall sell, dispose of, mortgage, or otherwise encumber, or conceal such mare or foal, without the written consent of the person or persons having such lien, with the intent to deprive or defraud the owner or holder of such lien of his security had thereby, is guilty of a misdemeanor, and is punishable by a fine of not less than twenty-five dollars ($25.00) and not more than two hundred dollars ($200.00), or by imprisonment in the county jail not less than ten (10) days and not more than ninety (90) days, or by both such fine and imprisonment."

Lien for services of stallion.

Notice.

Penalty for wrongful deprivation of security of lien.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 16, 1943.

CHAPTER 46

An Act to Amend Section 3403 of the Revised Codes of Montana, 1935, Relating to the Running at Large of Bulls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3403 of the Revised Codes of

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Montana, 1935, be, and the same is amended to read as follows:

"Section 3403. **Only Pure-bred Bulls to Run at Large —Limitation on Time.** It shall be unlawful for any person or persons, firm, company, or corporation to turn upon, or allow to run at large on the public highways, open range, or national forest reserve within the State of Montana, any bull other than a pure-bred bull of a recognized beef type; and no bull shall be turned upon, or allowed to run at large upon any such public highways, open range or national forest reserve between *December 1st* and *June 1st* of each and every year."

Only pure-bred bull to run at large.

No bull to run at large when.

Approved February 16, 1943.

CHAPTER 47

An Act to Repeal Chapter 94, of the Session Laws of Montana, 1941, Relating to the Compulsory Installation and Maintenance of Reflectory Caution and Stop Signs at Certain State Highway and Railroad Intersections by the State Highway Commission and Railroad Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 94 Laws of 1941 repealed.

Section 1. That Chapter 94, of the Session Laws of Montana, 1941, shall be, and the same is hereby repealed.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1943.

CHAPTER 48

An Act to Provide for the Acquisition, Care and Maintenance of Non-profit Bearing Museums, Archaeological, Geological and Historical Societies Incorporated Under the Laws of the State of Montana, and Permit the County Commissioners to Levy a Tax as Set Forth in Section 2 of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. The board of county commissioners of the several counties of the State of Montana, in addition to all other powers now conferred upon them, shall have authority to accept or acquire by gift or donation non-profit bearing museums, archaeological, geological and historical societies, incorporated under the laws of the State of Montana and whose principal place of business is located in the county.

County Commissioners may accept donation of museums, etc.

Section 2. The county commissioners may, in their discretion, levy a tax not to exceed one-half (½) mill upon the taxable valuation of the county to defray the expense of maintaining and operating the non-profit bearing organizations mentioned in Section 1 of this act.

Tax for maintenance and operation of.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 16, 1943.

CHAPTER 49

An Act Providing for the Extension of the Period of Time of Credit Allowed in the Sale of Real Property in the Estates of Deceased Persons by Amending Section 10218 of the Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10218 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 10218. The order of sale must describe the lands to be sold and the terms of sale which may be for cash, *or for part cash and the balance on a credit not exceeding five (5) years*, payable in gross or in installments, with interest, as the court or judge may direct. The land may be sold in one parcel or in subdivisions, as the executor or administrator shall judge most beneficial to the estate, unless the court or judge otherwise specially directs. If it appears that any part of such real estate has been devised, and not charged in such devise with the payment of debts or legacies, the court or judge must order the remainder to be sold before that so devised. Every such sale must be ordered to be made at public auction, unless, in the opinion of the court or judge, it would benefit the

Order of sale; terms.

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estate to sell the whole or some part of such real estate at private sale. The court or judge may, if the same is asked for in the petition, order or direct such real estate, or any part thereof, to be sold at either public or private sale, *if* the executor or administrator shall deem *it* to be most beneficial for the estate. If the executor or administrator neglects or refuses to make a sale under the order, and as directed therein, he may be compelled to sell, by order of the court or judge, made on motion, after due notice by any party interested."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act is hereby deemed and declared an emergency act and shall be in full force and effect immediately from and after its passage and approval.

Approved February 17, 1943.

CHAPTER 50

An Act to Amend Section 5019 of the Revised Codes of Montana, 1935, Relating to Salaries and Qualifications of Mayor and Aldermen.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5019 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Salaries and qualifications of mayor and aldermen.

"Section 5019. **Salaries and Qualifications of Mayor and Aldermen.** The annual salary of a mayor of a city of the first class must not exceed four thousand dollars ($4,000.00); and the annual salary of the mayor of a city of the second class must not exceed two thousand dollars ($2,000.00); and the annual salary of the mayor of a city of the third class must not exceed six hundred dollars ($600.00); and each alderman in a city of the first class may be allowed and paid not exceeding six dollars ($6.00) per diem, to be fixed by ordinance, for each day of session held by city council; provided, that no alderman shall be paid for more than five (5) days' service during any one (1) month; and aldermen of cities of the second and third class may be allowed and paid not exceeding six dollars

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($6.00) per diem for each day of session, to be fixed by ordinance, but no alderman shall be paid for more than two (2) days' service during any one (1) month. *The council of any town may by ordinance set compensation for a mayor and aldermen at one dollar ($1.00) per meeting but in no event shall they be paid to exceed three (3) meetings per month. No person shall be elected to the office of mayor or alderman in any city or town who is not a resident and freeholder within the limits of the city or town.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1943.

CHAPTER 51

An Act Amending Section 5024 of the Revised Codes of Montana of 1935, Fixing a Maximum Salary of Chief of Police in Cities of the Second and Third Class.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5024 of the Revised Codes of Montana, 1935, be, and the same is amended to read as follows:

Salary of Chief of Police.

"Section 5024. **Salary of Chief of Police.** The annual salary and compensation of the chief of police must be fixed by ordinance, and must not exceed, in cities of the second class, *one hundred eighty-five dollars ($185.00)* per month, and in cities of the third class not to exceed *one hundred sixty-five dollars ($165.00) per month.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 17, 1943.

CHAPTER 52

An Act to Amend Section 5391, Revised Codes of Montana of 1935, Relating to Publication of Report of Council.

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and Prescribing the System of Accounting to Be Used by the City, and for Examination of Accounts of Cities Operating Under the Commission Form of Government, and Prescribing the Fees to Be Paid for the Examination by the State Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5391, Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 5391. **Publication of Report by Council—Examination of Accounts.** The council shall each month print in pamphlet form a detailed itemized statement of all of the receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspaper of the city, and persons who shall apply therefor at the office of the city clerk. *The state examiner shall have the power and it shall be his duty to make at least one examination each year of the books and accounts of any city operating under the commission form of government, and to prescribe the necessary records and systems of accounting as provided in Sections 210, 210.1, 211, 212, 213, 214, 215, 216 and 216.1 of the Revised Codes of Montana of 1935, and the actions of the city commissioners and all other officers thereof shall be subject to the provisions of said sections, and such city shall pay the fee provided for in Section 6011.79, Revised Codes of Montana of 1935.*"

Publication of report.

Examination of accounts.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1943.

CHAPTER 53

An Act Relating to City Budgets, Providing for the Enactment of a New Section as a part of the City Budget Law, to Be Numbered Section 5083.6A, Providing for Budget Appropriations for Outstanding Warrants, and Amending Section 5083.8, Revised Codes of Montana,

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1935, Relating to Emergency Budgets and Appropriations and Emergency Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby enacted, a new section as a part of the city budget law to be numbered Section 5083.6A to read as follows:

"Section 5083.6A. **Budget Appropriations and Outstanding Warrants.** When, at the end of any fiscal year, any city has outstanding registered emergency warrants against any fund issued by reason of any emergency budget or budgets, and is without sufficient cash in such fund to pay the same with interest thereon, the city council must, in the annual budget for such fund for the immediately following fiscal year, make an appropriation sufficient to pay such warrants with interest thereon.

Budget appropriation for outstanding warrants.

"When, at the end of any fiscal year, any city has warrants outstanding and registered against any fund, other than warrants issued by reason of any emergency budget or budgets, and is without sufficient cash in such fund to pay the same with interest thereon, the city council must, in the annual budget for such fund for the immediately following fiscal year, make an appropriation to pay such warrants, or a substantial part thereof, with the interest thereon. The amount of such appropriation shall be fixed and determined by the city council but must, in any event, be at least ten per centum (10%) of the amount which the levy for the fund will produce, if the amount of such outstanding and registered warrants, with interest thereon, equals or exceeds such amount. None of the provisions of this section shall be construed as authorizing a levy to be made for any fund in excess of the limitation now prescribed by existing law, or acts hereafter enacted amendatory thereof."

Amount of appropriation, and levy for.

Section 2. That Section 5083.8, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 5083.8. **Emergency Expenditures—Notice and Hearing—Objections by Taxpayers—Appeal—Notice and Hearing Dispensed With in Extreme Cases—Emergency Warrants—Tax Levy—Lapse of Appropriations.** In a public emergency, other than such as are hereinafter spe-

Emergency expenditures.

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cifically described, and which could not reasonably have been foreseen at the time of making the budget, the council, by unanimous vote of the members present at any meeting, the time and place of which all of the members shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet such emergency, *and the fund against which emergency warrants shall be drawn,* and shall publish the same, together with a notice that a public hearing will be held thereon at the time and place designated therein, but which shall not be less than one (1) week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official newspaper of the municipality, and if there be none then in a newspaper of general circulation in the county in which the municipality is situated. Upon the conclusion of such hearing, if the council shall approve of such emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the council present at such meeting, an order setting forth the facts constituting such emergency together with the amount of expenditure authorized by them therefor, *and the fund against which emergency warrants shall be drawn,* which order, so entered, shall be lawful authorization for them to expend such amount, but no more, for such purpose, subject, however, to the following limitations: No expenditure shall be made or liability incurred pursuant to said order until five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of said municipality feeling aggrieved by said order may appeal therefrom to the district court for the county in which the municipality is situated, by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the clerk of said municipality. Said petition shall set forth in detail the objections of the petitioner or petitioners to said order, giving their reasons why the said emergency does not exist. The service and filing of such petition shall operate to suspend such emergency order and the authority to make any expenditure or incur any liability thereunder, until final determination of the matter by the court. Upon the filing of such petition the

Notice of hearing.

Order and contents of.

Limitations.

Appeal.

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court shall immediately fix a time for hearing such petition which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency, such as is contemplated within the meaning and provisions of this act, exists or not, and whether the expenditure authorized by said order is excessive or not shall be final.

Hearing of appeal.

"The total of all emergency budgets and appropriations made therein, in any one (1) year, to be paid from any city fund, shall not exceed twenty-five per centum (25%) of the total amount which could be produced for such city fund by a maximum levy authorized by law to be made for such fund, as shown by the last completed assessment roll of the county, the term taxable property as used herein means the percentage of the value at which such property is assessed and which percentage is used for the purposes of computing taxes, and does not mean the assessed value of such property as the same appears on the assessment roll.

Amount of budgets and appropriations limited.

"Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, or for the immediate preservation of order or of public health, or for the restoration of a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the municipality, or to meet mandatory expenditures required by law, the council may, upon adoption by unanimous vote of all members present at any meeting, the time and place of which all members shall have had reasonable notice, of a resolution stating the facts constituting the emergency, *an estimate of the amount required to be expended and the fund against which emergency warrants are to be issued*, and entering the same upon their minutes, make the expenditures or incur the liabilities necessary to meet such emergency without further notice or hearing.

Certain emergency expenditures may be paid without notice or hearing.

"All emergency expenditures shall be made by the issuance of emergency warrants drawn against the fund or funds properly chargeable with such expenditures, and

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Emergency warrants.

the city treasurer is authorized and directed to pay such emergency warrants with any money in such fund or funds available for such purpose, and if, at any time, there shall not be sufficient money available in such fund or funds to pay such warrants, then such warrants shall be registered, bear interest, and be called in for payment in the manner provided by law for other city warrants.

Tax levies.

"The clerk shall include in his annual tabulation to be submitted to the council the total amount of emergency warrants issued during the preceding fiscal year, and the council shall include in their tax levies a levy for each fund sufficient to raise an amount equal to the total amount of such warrants, if there be any, remaining unpaid at the close of such preceding fiscal year because of insufficient money in such fund to pay the same; provided, however, that no levy shall be made for any fund in excess of the levy authorized by law to be made therefor; and provided, further, that the council may submit the question of funding such emergency warrants at an election, as provided by law, and if at any such election the issuing of such funding bonds be authorized it shall not then be necessary for any levy to be made for the purpose of paying such emergency warrants.

Election for funding emergency warrants.

Lapse of appropriations.

"All appropriations, other than the appropriations for uncompleted improvements in progress of construction, shall lapse at the end of the fiscal year; provided that the appropriation accounts shall remain open for a period of thirty (30) days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year and remaining unpaid. After such period shall have expired all appropriations, except as hereinbefore provided regarding uncompleted improvements shall become null and void, and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget."

Approved February 17, 1943.

CHAPTER 54

An Act to Amend Section 5654 of the Revised Codes of Montana of 1935 Relating to the Filing of Certificates of Discharge Without Cost by Persons Who Served With the United States Forces in Any of Its Wars.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5654 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"5654. **County Clerks to Record Certificates of Discharge.** It shall be the duty of the county clerk of any county of the State of Montana to record, without charge, in a book kept for that purpose, the certificate of discharge of any honorably discharged person, regardless of sex, who served with the United States forces in any of its wars."

County Clerk to record certificates of discharge.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 17, 1943.

CHAPTER 55

An Act to Repeal Chapter 42 of the Laws of 1939 Relating to the Creation of a Commission for the Purpose of Improving the Condition of the Adult Blind and to Transfer the Powers of Such Commission to the State Department of Public Welfare as Defined by Chapter 82 of the Laws of 1937 and Acts Amendatory Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 42 of the laws of the legislative assembly of 1939, be, and the same is hereby repealed.

Chap. 42, Laws of 1939 repealed.

Section 2. That it is hereby declared to be the intention of the legislative assembly that the powers and duties heretofore conferred upon the state blind commission as provided in Chapter 42 of the laws of 1939 shall hereafter devolve upon the state department of public welfare as provided in Chapter 82 of the laws of 1937 and acts amendatory thereof. It is the expressed intention of the legislature that if Chapter 42 be regarded as repealing any part of Chapter 82 of the laws of 1937 by implication or otherwise, that the provisions of Chapter 82 of the laws

Powers and duties of State Blind Commission devolved upon State Department of Public Welfare.

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of 1937, and acts amendatory thereof, shall be and are hereby revived.

Approved February 17, 1943.

CHAPTER 56

An Act to Amend Section 6212 of the Revised Codes of Montana, 1935, Relating to Foreign Surety Companies and Providing for the Appointment of the Commissioner of Insurance to Receive Service of Process on Foreign Surety Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6212 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Appointment of Commissioner of Insurance to receive service of process.

"Section 6212. **Appointment of Commissioner of Insurance to Receive Service of Process.** No company shall, directly or indirectly, take risks or transact business in this state until it shall have first appointed, in writing, the insurance commissioner of this state, to be the attorney of such company in this state, upon whom all process in any proceeding against such company may be served. Said power of attorney shall stipulate and agree on the part of the company, corporation, or association, that any lawful process against the same which is served on said attorney shall be of the same legal force and validity as if served on the company, corporation, or association, and that the authority shall continue in force so long as the certificate of membership, policy, or liability remains outstanding against the company, corporation, or association, in this state. A certificate of such appointment, duly certified and authenticated, shall be filed in the office of the insurance commissioner, and copies certified by him shall be sufficient evidence. Service upon such attorney, *or, in his absence, upon the person in charge of his office*, shall be sufficient upon the principal."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 17, 1943.

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CHAPTER 57

An Act to Repeal Sections 1758.6, 1761 and 1762 of the Revised Codes of Montana of 1935, Relating to Chauffeurs' Badges, Issuing of Chauffeurs' Licenses, Providing Penalties and Defining Certain Terms Used in the Motor Registration Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 1758.6, 1761 and 1762 of the Revised Codes of Montana of 1935, be, and the same are hereby repealed. Sections of Rev. Codes repealed.

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 17, 1943.

CHAPTER 58

An Act Concerning the Guardianship of Incompetent Veterans, and Other Incompetent and Minor Beneficiaries of the Veterans' Administration, and Concerning Commitment to the Veterans' Administration or Other Agency of the United States, of Persons Eligible for Care or Treatment and to Make Uniform the Law With Reference Thereto, and Repealing Sections 5654.1 Through 5654.21, Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** As used in this act: Definitions:

"Person" means an individual, a partnership, a corporation or an association. "Person".

"Veterans' Administration" means the veterans' administration, its predecessors or successors. "Veterans".

"Income" means moneys received from the veterans' administration and revenue or profit from any property wholly or partially acquired therewith. "Income".

"Estate" means income on hand and assets acquired partially or wholly with "income". "Estate".

"Benefits" means all moneys paid or payable by the United States through the veterans' administration. "Benefits".

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"Administrator". "Administrator" means the administrator of veterans' affairs of the United States or his successor.

"Ward". "Ward" means a beneficiary of the veterans' administration.

"Guardian". "Guardian" means any fiduciary for the person or estate of a ward.

Administrator as party in interest. Section 2. **Administrator as Party in Interest.** The administrator shall be a party in interest in any proceeding for the appointment or removal of a guardian or for the removal of the disability of minority or mental incapacity of a ward, and in any suit or other proceeding affecting in any manner the administration by the guardian of the estate of any present or former ward whose estate includes assets derived in whole or in part from benefits heretofore or hereafter paid by the veterans' administration. Not less than fifteen (15) days prior to hearing in such matter notice in writing of the time and place thereof shall be given by mail (unless waived in writing) to the office of the veterans' administration having jurisdiction over the area in which any such suit or any such proceeding is pending.

Application. Section 3. **Application.** Whenever, pursuant to any law of the United States or regulation of the veterans' administration, it is necessary, prior to payment of benefits, that a guardian be appointed, the appointment may be made in the manner hereinafter provided. The court may appoint a guardian of the estate of the ward, a guardian of the person of the ward or a guardian of both the person and the estate of the ward.

Limitation on number of wards. Section 4. **Limitation on Number of Wards.** No person other than a bank or trust company shall be guardian of more than five wards at one time, unless all the wards are members of one family. Upon presentation of a petition by an attorney of the veterans' administration or other interested person, alleging that a guardian is acting in a fiduciary capacity for more than five wards as herein provided and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge him from guardianships in excess of five and forthwith appoint a successor.

Section 5. **Appointment of Guardians.**

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Appointment of guardians.

(1) A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within thirty (30) days after mailing of notice by the veterans' administration to the last known address of the person, if any, indicating the necessity for the same, a petition for appointment may be filed by any resident of this state.

Petition, contents of.

(2) The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the veterans' administration and shall set forth the amount of moneys then due and the amount of probable future payments.

(3) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the proposed guardian and if the nominee is a natural person, the number of wards for whom the nominee is presently acting as guardian. Notwithstanding any law as to priority of persons entitled to appointment, or the nomination in the petition, the court may appoint some other individual or a bank or trust company as guardian, if the court determines it is for the best interest of the ward.

(4) In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent by the veterans' administration on examination in accordance with the laws and regulations governing the veterans' administration.

Evidence of necessity for guardian of infant.

Section 6. **Evidence of Necessity for Guardian of Infant.** Where a petition is filed for the appointment of a guardian for a minor, a certificate of the administrator or his authorized representative, setting forth the age of such minor as shown by the records of the veterans' administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the veterans' administration shall be prima facie evidence of the necessity for such appointment.

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Evidence of necessity for guardian for incompetent.

Section 7. **Evidence of Necessity for Guardian for Incompetent.** Where a petition is filed for the appointment of a guardian for a mentally incompetent ward, a certificate of the administrator or his duly authorized representative, that such person has been rated incompetent by the veterans' administration on examination in accordance with the laws and regulations governing such veterans' administration and that the appointment of a guardian is a condition precedent to the payment of any moneys due such ward by the veterans' administration, shall be prima facie evidence of the necessity for such appointment.

Notice.

Section 8. **Notice.** Upon the filing of a petition for the appointment of a guardian under this act, notice shall be given to the ward, to such other persons, and in such manner as is provided by the general law of this state, and also to the veterans' administration as provided by this act.

Section 9. **Bond.**

Bond.

(1) Upon the appointment of a guardian, he shall execute and file a bond to be approved by the court in an amount not less than the estimated value of the personal estate and anticipated income of the ward during the ensuing year. The bond shall be in the form and be conditioned as required of guardians appointed under the general guardianship laws of this state. The court may from time to time require the guardian to file an additional bond.

Personal sureties.

(2) Where a bond is tendered by a guardian with personal sureties, there shall be at least two such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that each is worth the sum named in the bond as the penalty thereof over and above all his debts and liabilities and the aggregate of other bonds on which he is principal or surety and exclusive of property exempt from execution. The court may require additional security or may require a corporate surety bond, the premium thereon to be paid from the ward's estate.

Section 10. **Petitions and Accounts, Notices and Hearings.**

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(1) Every guardian, who has received or shall receive on account of his ward any moneys or other thing of value from the veterans' administration shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys or other things of value so received by him, all earnings, interest or profits derived therefrom and all property acquired therewith and of all disbursements therefrom, and showing the balance thereof in his hands at the date of the account and how invested.

Annual accounts.

(2) The guardian, at the time of filing any account, shall exhibit all securities or investments held by him to an officer of the bank or other depository wherein said securities or investments are held for safekeeping or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this state, or, upon request of the guardian or other interested party, to any other reputable person designated by the court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account, and shall note any omissions or discrepancies. If the depository is the guardian, the certifying officer shall not be the officer verifying the account. The guardian may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof a certificate that the securities or investments shown therein as held by the guardian were each in fact exhibited to him and that those exhibited to him were the same as those shown in the account, and noting any omission or discrepancy. That certificate and the certificate of an official of the bank in which are deposited any funds for which the guardian is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the guardian with his account.

Exhibition of securities or investments.

(3) At the time of filing in the court any account, a certified copy thereof and a signed duplicate of each certificate filed with the court shall be sent by the guardian to the office of the veterans' administration having jurisdiction over the area in which the court is located. A signed duplicate or a certified copy of any petition, motion or other pleading, pertaining to an account, or to any matter other than an account, and which is filed in the

Copies of accounts to be sent to Veterans' Administration.

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guardianship proceedings or in any proceedings for the purpose of removing the disability of minority or mental incapacity, shall be furnished by the person filing the same to the proper office of the veterans' administration. Unless hearing be waived in writing by the attorney of the veterans' administration, and by all other persons, if any, entitled to notice, the court shall fix a time and place for the hearing on the account, petition, motion or other pleading not less than fifteen (15) days nor more than thirty (30) days from the date same is filed, unless a different available date be stipulated in writing. Unless waived in writing, written notice of the time and place of hearing shall be given the veterans' administration office concerned and the guardian and any others entitled to notice not less than fifteen (15) days prior to the date fixed for the hearing. The notice may be given by mail in which event it shall be deposited in the mails not less than fifteen (15) days prior to said date. The court, or clerk thereof, shall mail to said veterans' administration office a copy of each order entered in any guardianship proceeding wherein the administrator is an interested party.

Time for hearing, and notice thereof.

(4) If the guardian is accountable for property derived from sources other than the veterans' administration, he shall be accountable as is or may be required under the applicable law of this state pertaining to the property of minors or persons of unsound mind who are not beneficiaries of the veterans' administration, and as to such other property shall be entitled to the compensation provided by such law. The account for other property may be combined with the account filed in accordance with this section.

Accounting for property derived from sources other than Veterans' Administration.

Section 11. **Penalty for Failure to Account.** If any guardian shall fail to file with the court any account as required by this act, or by an order of the court, when any account is due or within thirty (30) days after citation issues as provided by law, or shall fail to furnish the veterans' administration a true copy of any account, petition or pleading as required by this act, such failure may in the discretion of the court be ground for his removal.

Penalty for failure to account.

Section 12. **Compensation of Guardians.** Compensation payable to guardians shall be based upon services rendered and shall not exceed five percent (5%) of the

Compensation of guardians.

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amount of moneys received during the period covered by the account. In the event of extraordinary services by any guardian, the court, upon petition and hearing thereon may authorize reasonable additional compensation therefor. A copy of the petition and notice of hearing thereon shall be given the proper office of the veterans' administration in the manner provided in the case of hearing on a guardian's account or other pleading. No commission or compensation shall be allowed on the moneys or other assets received from a prior guardian nor upon the amount received from liquidation of loans or other investments.

Section 13. **Investments.** Every guardian shall invest the surplus funds of his ward's estate in such securities or property as authorized under the laws of this state but only upon prior order of the court; except that the funds may be invested, without prior court authorization, in direct unconditional interest-bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States. A signed duplicate or certified copy of the petition for authority to invest shall be furnished the proper office of the veterans' administration, and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account. Investments.

Section 14. **Maintenance and Support.** A guardian shall not apply any portion of the income or the estate for the support or maintenance of any person other than the ward, the spouse and the minor children of the ward, except upon petition to and prior order of the court after a hearing. A signed duplicate or certified copy of such petition shall be furnished the proper office of the veterans' administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account or other pleading. Maintenance and support.

Section 15. **Purchase of Home for Ward.**

(1) The court may authorize the purchase of the entire fee simple title to real estate in this state in which the guardian has no interest, but only as a home for the ward, or to protect his interest, or (if he is not a minor) as a home for his dependent family. Such purchase of real estate shall not be made except upon the entry of an Purchase of home for ward.

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order of the court after hearing upon verified petition. A copy of the petition shall be furnished the proper office of the veterans' administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

Authority of guardian in certain cases.

(2) Before authorizing such investment the court shall require written evidence of value and of title and of the advisability of acquiring such real estate. Title shall be taken in the ward's name. This section does not limit the right of the guardian on behalf of his ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of lien held by or for the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold; nor does it limit the right of the guardian, if such be necessary to protect the ward's interest and upon prior order of the court in which the guardianship is pending, to agree with co-tenants of the ward for a partition in kind, or to purchase from co-tenants the entire undivided interests held by them, or to bid and purchase the same at a sale under a partition decree, or to compromise adverse claims of title to the ward's realty.

Copies of public records to be furnished.

Section 16. **Copies of Public Records to Be Furnished.** When a copy of any public record is required by the veterans' administration to be used in determining the eligibility of any person to participate in benefits made available by the veterans' administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the authorized representative of the veterans' administration with a certified copy of such record.

Section 17. **Discharge of Guardian and Release of Sureties.**

(1) In addition to any other provisions of law relating to judicial restoration and discharge of guardian, a certificate by the veterans' administration showing that a minor ward has attained majority, or that an incompetent ward has been rated competent by the veterans' administration upon examination in accordance with law shall be prima facie evidence that the ward has attained majority, or has recovered his competency. Upon hearing after notice as provided by this act and the determination by the court that the ward has attained majority or

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has recovered his competency, an order shall be entered to that effect, and the guardian shall file a final account. Upon hearing after notice to the former ward and to the veterans' administration as in case of other accounts, upon approval of the final account, and upon delivery to the ward of the assets due him from the guardian, the guardian shall be discharged and his sureties released.

Discharge of guardian and release of sureties.

Section 18. **Commitment to Veterans' Administration or Other Agency of United States Government.**

(1) Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental disease or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the veterans' administration or other agency of the United States government, the court, upon receipt of a certificate from the veterans' administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said veterans' administration or other agency. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in the manner as provided by the law of this state; and nothing in this act shall affect his right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this state shall be subject to the rules and regulations of the veterans' administration or other agency. The chief officer of any facility of the veterans' administration or institution operated by any other agency of the United States to which the person is so committed shall with respect to such person be vested with the same powers as superintendents of state hospitals for mental diseases within this state with respect to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the committing or other appropriate court of this state at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this act are so conditioned. The court shall have

Commitment to Veterans' Administration or other agency of United States Government.

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power to order commitment to and confinement in a hospital or other institution for his proper care, including a proper hospital or other institution of the veterans' administration or other agency of the United States, either within or without the State of Montana, and the court shall have continuing jurisdiction in all such cases.

Order of commitment by court of another state.

(2) The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, commiting a person to the veterans' administration, or other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint; as is provided in subsection (1) of this section with respect to persons committed by the courts of this state. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the veterans' administration, or of any institution operated in this state by any other agency of the United States to retain custody, or transfer, parole or discharge the committed person.

Transfer of person committed.

(3) Upon receipt of a certificate of the veterans' administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the institution may cause the transfer of such person to the veterans' administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified thereof by the transferring agency. No person shall be transferred to the veterans' administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority

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originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section shall be deemed to be committed to the veterans' administration or other agency of the United States pursuant to the original commitment.

Liberal construction.

Section 19. **Liberal Construction.** This act shall be so construed to make uniform the law of those states which enact it.

Short title.

Section 20. **Short Title.** This act may be cited as the "Uniform Veterans' Guardianship Act."

Severability.

Section 21. **Severability.** If any provision of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Modification of prior laws.

Section 22. **Modification of Prior Laws.** All acts or parts of acts relating to beneficiaries of the veterans' administration inconsistent with this act are hereby repealed. Except where inconsistent with this act, the laws of this state relating to guardian and ward and the judicial practice relating thereto, including the right to trial by jury and the right of appeal, shall be applicable to such beneficiaries and their estates.

Application of Act.

Section 23. **Application of Act.** The provisions of this act relating to surety bonds and the administration of estates of wards shall apply to all "income" and "estate" as defined in Section 1 of this act whether the guardian shall have been appointed under this act or under any other law of this state, special or general, prior or subsequent to the enactment hereof.

Repealing clause.

Section 24. Sections 5654.1 through 5654.21, and each thereof, of the Revised Codes of Montana, 1935, shall be, and the same are hereby repealed.

Effective date.

Section 25. **Time of Taking Effect.** This act shall take effect July 1, 1943.

Approved February 17, 1943.

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CHAPTER 59

An Act Providing for the Inspection of Any Cow, Bull, Ox, Stag, Calf, Steer, Heifer, Horse, Mule, Mare, Colt, Foal or Filly, Before Its Removal From Any County by Means of Railroad Car, Motor Vehicle, Boat or in Any Manner Whatsoever and Before Its Removal From the Premises of Any Public Market; Prescribing the Duties of State Stock Inspectors and Deputy State Stock Inspectors; Providing Fees for Inspections Required; Authorizing the Seizure and Retention of Livestock, Sale of Livestock Seized, and Disposal of Proceeds; Defining State Stock Inspector and Deputy State Stock Inspector; and Repealing Sections 3317, 3318, 3319, 3320, 3321, 3322, 3322.1, 3323, 3323.1, 3323.2, 3324, 3325, 3326, 3326.1, 3327, 3327.1 and 3327.2 of the Revised Codes of Montana of 1935, and Repealing Chapters 133 and 136 of the Laws of Montana of 1937; Chapters 85 and 87 of the Laws of Montana of 1939, and Chapter 106 of the Laws of Montana of 1941; and Providing Penalties; and Providing That Actions Pending in Court Under the Laws Repealed Shall Not Abate.

Be it enacted by the Legislative Assembly of the State of Montana:

Inspection of livestock.

Section 1. **Inspection of Livestock.** Except as in this act otherwise provided, it shall be unlawful to remove or cause to be removed from any county in this state any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly, by means of any railroad car, motor vehicle, boat or in any manner whatsoever unless such animal shall have been inspected for brands by a state stock inspector or deputy state stock inspector and certificate of such inspection shall have been issued in connection with and for the purpose of such transportation or removal as in this act provided.

Sale without previous inspection unlawful.

It shall be unlawful to sell or offer for sale any animal referred to originating within any county in the State of Montana in which a licensed public market is maintained until such animal has been inspected for marks and brands by a state stock inspector, as in this act provided.

It shall be unlawful to remove or cause to be removed any such animal referred to from the premises of any

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public market in this state unless such animal shall have been inspected for marks and brands by a state stock inspector and an inspection certificate for such animal shall have been issued in connection with and for the purpose of such removal from the premises of such public market, as in this act provided.

Removal from public market previous to inspection unlawful.

The provisions of Section 1 of this act shall not apply, (a) to any animal being transported through the state in interstate commerce without leaving the custody of the carrier; (b) to any animal transported by railroad consigned to and which, without leaving the custody of the carrier, does reach a market at which the livestock commission of the State of Montana regularly maintains a stock inspector, and for which animal a loading tally has been filed by the shipper with the carrier as provided in Section 3341 of the Revised Codes of Montana of 1935; (c) to any animal when driven by the owner from one county to another for the purpose of pasturing, feeding or changing the range thereof, nor to any animal driven from one county to another by the owner thereof, when such animal is used in the ordinary conduct of his business, and such person has been the owner of said animal to be removed for at least three (3) months; (d) to any animal or animals when driven from one county to an adjoining county within the state for the purpose of shipment by railroad or delivery to a licensed public market by any person who has been the owner of said animal or animals for a period of at least three (3) months; (e) where removal or shipment of such animal shall have been authorized by the livestock commission of the State of Montana, or by a state stock inspector, subject to brand inspection at a point designated by the livestock commission or a state stock inspector.

Application of Section 1 of Act.

Section 2. **Duties of State Stock Inspectors and Deputy State Stock Inspectors.** It shall be the duty of state stock inspectors and deputy state stock inspectors, upon the application of the owner of any such animal referred to in Section 1 of this act, or the duly authorized agent of such owner, to inspect all such animals intended for removal or shipment as in this act provided, and to issue his certificate of inspection therefor, if it shall appear with reasonable certainty that the applicant is the owner of such animal or has the lawful right to the possession thereof.

Duties of State Stock Inspectors and Deputy Stock Inspectors.

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Certificate of inspection.

The inspection herein provided for shall include such examination of the animal and all marks and brands thereon as to identify the same. The certificate of inspection shall be made in triplicate and shall specify the date of inspection, the place of origin and place of destination of the shipment, the name and address of the owner of the animal or of the applicant for inspection, the class of the animal as specified in Section 1 of this act, the marks and brands, if any, upon the animal, and such other information and upon such form of certificate as the livestock commission may from time to time require. One copy of the certificate shall be retained by the inspector, one copy thereof shall be furnished by the inspector to the owner or shipper of the animal, and one shall be filed by the inspector with the secretary of the livestock commission at Helena, Montana, within five (5) days.

Section 3. **Seizure of Livestock, Retention of Livestock, Sale, Disposal of Proceeds.** All state stock inspectors inspecting any livestock, either before or after shipment or removal from any county in this state, shall, in addition to the powers granted them by law, possess the further authority to inspect and seize either at the point of shipment or destination or enroute any livestock, or proceeds thereof, which said inspector may have good reason to believe is stolen, or upon which brands have been altered or obliterated, or which does not conform to the description contained on the tally sheet furnished by the shipper thereof or to the description contained in any certificate of inspection issued before shipment or removal of such livestock.

Seizure of livestock.

Upon taking possession of any such livestock in the exercise of the authority granted by this act, the state stock inspector may retain same in his possession for not to exceed fifteen (15) days for the purpose of making further investigation relative to its ownership, or may either at once or at any time within said period of fifteen (15) days sell said livestock at any licensed livestock market, or in the open market, for the best available price and remit the proceeds, less the cost of keeping and sale, to the livestock commission together with a full description of the animal sold, giving marks and brand, if any, and a statement of the reason for the seizure and sale thereof. Said proceeds shall be deposited by the livestock commission with the state treasurer and credited to the stock

Retention of livestock.

Sale thereof.

Proceeds of sale.

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estray fund, where it shall be subject to claim by the owner of the livestock in the same manner and for the same length of time as is provided by law for the making of claims against said fund.

Section 4. **Fees for Inspection.** For the service of inspection herein provided for before removal from county, the inspector making such inspections shall receive twenty-five cents (25c) per head for the inspection of twelve (12) head or less, or three dollars ($3.00) for the inspection of from twelve (12) head to thirty (30) head and shall receive ten cents (10c) per head for each animal inspected over thirty (30) head, except that fifteen dollars ($15.00) shall constitute the maximum charge which may be collected from any one person per day, and shall receive in addition thereto his necessary actual expenses, to be paid by the person for whom the inspection is made. The fee for the service of inspection herein provided for at a licensed public market shall be ten cents (10c) per head for each animal inspected, and shall be collected by the state stock inspector making such inspection from the person for whom the inspection is made, and all fees collected shall be sent by him to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund.

Fees for inspection.

Section 5. **Defining State Stock Inspector and Deputy State Stock Inspector.** The term "state stock inspector" as used in this act shall mean an employee of the livestock commission of the State of Montana designated by such commission as such, and the term "deputy state stock inspector" as used in this act shall mean any person designated or appointed by said commission as a deputy state stock inspector and who does not receive salary or compensation from said commission.

Defining State Stock Inspector and Deputy State Stock Inspector.

Section 6. **Penalties for Violation of Act.** Any person moving or causing the removal of any animal of the class referred to in Section 1 of this act without complying with the provisions of this act as to inspection of such animal shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or imprisoned in the county jail for a period of not more than six (6) months, or shall be punished by both such fine and imprisonment. Of all fines assessed and collected under the provisions of this act, fifty percent (50%)

Penalties for violation of Act.

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thereof shall be paid into the state treasury and credited to the livestock commission fund, and fifty percent (50%) thereof shall be paid into the general fund of the county in which the conviction occurred.

Pending actions not abated.

Section 7. No action or proceeding pending in court under the provisions of either Chapters 133 or 136 of the laws of Montana of 1937; Chapters 85 and 87 of the laws of Montana of 1939; Chapter 106 of the laws of Montana of 1941; or under the provisions of Chapter 287 or Chapter 288 of the Revised Codes of Montana of 1935, as amended, shall abate by reason of this act, but may be prosecuted to final judgment under the provisions of the law or laws herein otherwise repealed.

Repealing clause.

Section 8. That Sections 3317, 3318, 3319, 3320, 3321, 3322, 3322.1, 3323, 3323.1, 3323.2, 3324, 3325, 3326, 3326.1, 3327, 3327.1 and 3327.2 of the Revised Codes of Montana of 1935; Chapters 133 and 136 of the laws of Montana of 1937; Chapters 85 and 87 of the laws of Montana of 1939; and Chapter 106 of the laws of Montana of 1941, and all acts and parts of acts in conflict herewith be, and are hereby repealed.

Effective date.

Section 9. This act shall be in full force and effect on and after July 1, 1943.

Approved February 17, 1943.

CHAPTER 60

An Act to Amend Section 5410, Revised Codes of Montana, 1935, Relating to the Commissioner-Manager Plan of Government for Cities, and the Number of Commissioners Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5410, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Form of government to be known as "Commission-Manager Plan".

"Section 5410. **Form of Government to Be Known as "Commission-Manager Plan"—Composition of Commission—Powers.** The form of government provided for in this *chapter* shall be known as the "commission-manager plan", and shall consist of a commission of citizens, who

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shall be elected at large in the manner hereinafter provided. The commission shall consist of three (3) commissioners for all municipalities having a population of less than *fifteen* thousand (*15*,000) and five (5) commissioners for all cities having a population of *fifteen* thousand (*15*,000) or more. The commission shall constitute the governing body, with powers as hereinafter provided, to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "city manager", and exercise all powers as hereinafter provided."

Commissioners.

City Manager.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Effective date.

Approved February 17, 1943.

CHAPTER 61

An Act to Amend Section 1024 of the Revised Codes of Montana, 1935, Relating to the Creation and Change of Territory in School Districts and Particularly Providing for Qualification of Petitioners for Such Change of Boundaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1024, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1024. **Creation of New Districts Out of Other Districts—Change of Boundaries.** A new school district may be created out of portions of one (1) or more existing school districts where the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of property remaining in each district from which territory is taken is not reduced below seventy-five thousand dollars ($75,000.00) and where the number of census children between the ages of six (6) and sixteen (16) years is not reduced below fifteen (15). For the purpose of organizing a new school district out of one (1) or more existing districts, a petition in writing shall be made to the county superintendent of schools, signed by parents or guardians of at least ten (10) census children

Creation of new districts out of other districts.

Petition, signers and contents of.

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between the ages of six (6) and sixteen (16) years, residing within the boundaries of the proposed new district, and residing at a greater distance than three (3) miles from any school house owned by any one of such school districts in which a school is maintained. The petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing therein at the date of the presenting of said petition. The petition shall also show the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of the property within the proposed new district which must not be less than seventy-five thousand dollars ($75,000.00) as shown by the last completed assessment roll. The county superintendent shall within five (5) days from the receipt of such petition give notice of the hearing of said petition by posting or causing to be posted, a notice thereof at least ten (10) days prior to the time appointed by him for consideration of said petition, in at least three (3) of the most public places in the proposed new district and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one (1) of the most public places in each of said old districts; and shall on the day fixed in the notice proceed to hear said petition at the place designated in said notice, which must be either at the court house of the county or else at the schoolhouse in one of the school districts affected, unless a protest in writing signed by at least a majority of the school electors residing within such proposed school district shall be filed with the county superintendent of schools before or at the time fixed in the notice for the hearing of said petition, in which event the proposed school district shall not be created. If no such protest be filed, then the county superintendent, upon hearing the petition, shall within ten (10) days from the date of such hearing, make an order establishing the new district and describing the boundaries thereof, or make an order denying such petition. An appeal may be taken to the board of county commissioners of the county, from either order made as aforesaid by three (3) resident taxpayers of either the old or the new district who are dissatisfied with said order. Such appeal shall be taken within thirty (30) days of the date of such order, and upon the hearing of said matter by the board of county commissioners, a decision shall be rendered which shall be final. The appeals

Notice of hearing.

Protest.

Order, and appeal therefrom.

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mentioned in this section shall be in writing, subscribed by the parties taking the appeal and shall recite sufficient facts to show their rights to appeal hereunder, and that it is an appeal from the decision rendered, and such an appeal shall be filed with the county superintendent within thirty (30) days from the date of the order establishing such new district or denying such petition. The county sup rintendent shall, within twenty (20) days from the filing of such notice of appeal, transmit to the board of county commissioners, and file in the office of the county clerk, the notice of appeal and all petitions, plats, and papers in his possession pertaining to the petition for the creation of such new school district. The county clerk, shall forthwith, upon receipt of such notice of appeal and other papers, give notice to all parties interested, by causing to be posted at least ten (10) days prior to the date of the next regular meeting of the board of county commissioners, in at least three (3) of the most public places in the proposed new district, and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one (1) of the most public places in each of said old districts, notices to the effect that the board of county commissioners will, at its office in the courthouse, upon a certain date, specifying the same in such notices, which date shall be during the next regular session of the board, finally hear and determine said appeal and said petition for the creation of such new district. The boundaries of any district can be changed in the following manner, to-wit:

Hearing of appeal, and notice thereof.

"A majority of the resident *taxpayers who are registered electors and whose names appear upon the last completed assessment roll for state, county and school district taxes,* residing in territory which is a part of any organized school district may present a petition in writing to the county superintendent of schools, asking that such territory be transferred to, or included in, any other organized district to which said territory is contiguous, provided however, that no territory within three (3) miles of an established school in such district shall be so transferred and provided further that the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of property in the district from which territory is taken shall not be reduced to less than seventy-five thousand dollars ($75,000.00).

Change of boundaries of existing districts, petition for.

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Contents of petition.

"The petition shall describe the territory which it is proposed to transfer or include, and shall also state the reason for desiring such change, and the number of children of school age, if any, residing in the territory to be transferred or included.

Hearing and notice thereof.

"The county superintendent shall file said petition in his office immediately on receipt thereof, and shall give notice to the parties interested by posting notices at least ten (10) days prior to the time appointed for considering said petition, one (1) of which shall be in a public place in the territory which is proposed to be transferred or included, and one (1) on the door of each schoolhouse in each district affected by the change, or if there be no schoolhouse in such district, then in some public place in such district or districts, and at the time stated in said notice for the consideration of such petition, which shall not be less than ten (10) days nor more than thirty (30) days after the date of filing such petition, he shall proceed to hear such petition, and if he deem it advisable and for the best interest of the territory proposed to be transferred or included, he shall grant such petition and make an order fixing the boundaries of the district so changed, which order shall be final, unless an appeal be taken to the board of county commissioners of the county wherein such districts are located within thirty (30) days thereafter, and upon hearing thereof the decision of said board shall be final. All the papers, documents, and records in the case shall be certified by the county superintendent to the county commissioners for their determination of the matter on appeal; provided, that lands lying contiguous to a district and not attached to any district shall be attached to an adjacent district by the county superintendent of his own motion, and provided further, that all districts shall consist of contiguous territory."

Order, and appeal therefrom.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1943.

CHAPTER 62

An Act to Amend Subsections 5 and 6 of Section 1755,

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Revised Codes of Montana 1935, Relating to the Registration of Motor Vehicles, and the Registrar of Motor Vehicles and His Powers and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subsection 5 of Section 1755, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"5. The registrar of motor vehicles shall qualify by giving a bond of twenty-five thousand dollars ($25,000.00), providing for the faithful performance of his duty. He *may appoint* one deputy at a salary not to exceed thirty-three hundred dollars ($3,300.00) *per year, and such number of civilian clerks, and for such time or times,* at a salary of not to exceed one hundred and seventy-five dollars ($175.00) per month *each, as may be authorized by the state board of examiners,* the salary of which deputy and the salaries of which clerks shall be fixed by *such* board of examiners. The remaining clerical help shall be selected by the registrar of motor vehicles from among the inmates of the state *prison.*"

Bond of registrar.

Appointment and salary of deputy and clerks.

Section 2. That Subsection 6 of Section 1755, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"6. All office equipment, books, files and records belonging to the motor department shall be in the care and general custody and control of the registrar of motor vehicles at the state penitentiary. *In order to prevent an accumulation of records and files which shall have ceased to be of any value the registrar of motor vehicles shall have the authority and it shall be his duty to destroy all correspondence, motor card and application card records after the expiration of five (5) years from the date thereof, and all conditional sales contracts and chattel mortgages and records pertaining thereto after the expiration of five (5) years after the date the same have ceased to be liens on the motor vehicles described therein.*"

Custody of office equipment and records.

Authority to destroy certain records, when.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect on and after its passage and approval.

Effective date.

Approved February 18, 1943.

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CHAPTER 63

An Act to Amend Section 2381.21 of the Revised Codes of Montana of 1935, Relating to Reports of Common and Private Carriers of Gasoline Shipped or Transported by Such Carriers Into, Within or Without the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2381.21 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Reports by carriers of gasoline.

"Section 2381.21. **Reports of Carriers.** *Every common carrier, every private carrier and every contract carrier of property, including railroad companies, motor truck lines and all other carriers of property, who shall haul, transport or ship any gasoline, as defined in Section 2381.11 of the Revised Codes of Montana of 1935, from any other state or foreign country into the State of Montana, or from the State of Montana to any other state or foreign country or from any refinery in the State of Montana to another point within the State of Montana,* shall, on or before the 15th day of each calendar month, make and file with the *state board of equalization* of Montana a statement under oath showing the number of gallons of gasoline, *as defined in Section 2381.11 of the Revised Codes of Montana of 1935,* contained in each such shipment *in interstate commerce and the first movement of such products from any refinery located within the State of Montana to another point within the State of Montana during* the preceding calendar month, the names and addresses of the consignor and consignee, the date of delivery to such consignee."

Approved February 18, 1943.

CHAPTER 64

An Act Declaring the Force and Effect of the Use of the Word "Trustee" or Some Similar Fiduciary Term in Connection With the Name of Any Grantee Named in a Conveyance of Real Estate, as the Same May Now or Hereafter Appear of Record in the Office of Any County Clerk and Recorder in Any County in the State of Montana.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That any conveyance of real property hereafter placed of record in any office of any county clerk and recorder in which the name of the grantee is followed by the word "Trustee", "as Trustee", or some similar fiduciary term and in which no terms and conditions of such purported trust nor any limitation on the power of the grantee to convey shall be set forth so that any person dealing with such real property could learn therefrom what, if any, limitation exists upon the authority of the grantee with regard to the reconveyance or encumbrance of such property shall be considered as though such property had been conveyed to such grantee without any limitation upon his authority to reconvey or encumber as fully as though the word "Trustee", "as Trustee", or any equivalent fiduciary expression had not been used in connection with his name; and the use of the word "Trustee" or "as Trustee", or any equivalent fiduciary expression purporting a trust, contained in such conveyance shall have no force or effect in charging any purchaser or encumbrancer thereof with notice of any limitation of power on the part of the person so named as trustee to deal with such lands as his own.

Designation of grantee in a conveyance of real estate as "trustee", force and effect of.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 18, 1943.

CHAPTER 65

An Act to Amend Section 782 of the Revised Codes of Montana of 1935, as Amended by Chapter 112 of the Laws of 1937, Relating to the Manner in Which Election Returns Should be Made by the Judges of Election and to Whom the Returns Shall Be Made.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 782 of the Revised Codes of Montana of 1935, as amended by Chapter 112 of the laws of 1937, be, and the same is hereby amended to read as follows :

"Section 782. The judges must, before they adjourn, enclose in a strong envelope, securely sealed and directed

Election returns, manner of making.

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to the county clerk, the check-list, all certificates of registration received by them, *the* lists of the persons challenged, *both* of the pollbooks, *both* of the tally-sheets, and the official oaths taken by the judges and clerks of election; and must enclose in a separate package or envelope, securely sealed and directed to the county clerk, all detached stubs from ballots voted and all unused ballots with the numbered stubs attached; and must also enclose in a separate package or envelope, securely sealed and directed to the county clerk, all ballots voted, including all voted ballots which, for any reason, were not counted or allowed, and endorse on the outside thereof "Ballots Voted." Each of the judges must write his name across the seal of each of said envelopes or packages. The ballot box must be returned to the county clerk."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1943.

CHAPTER 66

An Act to Amend Section 1262.39 of Chapter 117 of the Political Codes of the Revised Codes of Montana, 1935, Relating to District Superintendent of Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1262.39, Chapter 117 of the Political Codes of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

District Superintendent of Schools, appointment and term.

"1262.39. **District Superintendent of Schools.** The board of trustees of any school district may appoint a superintendent of schools *for a term not to exceed three years. After his second successive election,* his contract shall thereafter be deemed renewed for a further term of one (1) year, and successively thereafter for like terms of one (1) year each, unless the board of trustees shall by majority vote of its members give written notice to such superintendent on or before the first day of February of the last year of his current term that his services will

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not be required after the expiration of his existing contract."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 18, 1943.

CHAPTER 67

An Act to Amend Section 2303.3 of the Revised Codes of Montana of 1935, Relating to the License Tax to Be Paid by Corporations Doing Business in Montana, Upon Dissolution or Cessation of Such Business, and Declaring the Policy of the State in Relation Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2303.3 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 2303.3. *Return and Payment of Tax by Corporations on Dissolution or Cessation of Business—Declaration of policy. It is hereby declared that the policy of the State of Montana, both at the time of the enactment of the corporation license tax law and at all times since, has been and still is that every corporation doing business in Montana shall pay an excise tax for the exercise of such privilege and that the amount of such tax shall be based upon the total taxable net income of such corporations during the entire period of time they are engaged in business in this state. No remission of that obligation for the last year in which a corporation engages in business in Montana was intended by the original enactment of this section.* Return and payment of tax by corporations on dissolution or cessation of business, declaration of policy.

Therefore, every corporation which shall be dissolved or cease to do business in Montana at any time during any year, shall, before such dissolution or cessation of business, make a return and pay a corporation license tax in the amount of three per cent (3%) of its total taxable net income (as such income is defined by Sec. 2296 Revised Codes of Montana of 1935 as amended by Chapter Amount of tax.

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92, Session Laws of 1937) during the last year in which it did business in this state, in addition to all other corporation license taxes for which such corporation may then be liable. Such payment shall be deemed an accelerated payment of an additional tax for the last year in which such corporation did business in Montana, based on its net income up to the time of its dissolution or cessation of business, and which said income had not theretofore been used in measuring the license tax liability of such corporation. The state board of equalization may grant a reasonable extension of time for filing said return, upon good cause being shown."

Extension of time.

Approved February 22, 1943.

CHAPTER 68

An Act Recognizing the Existence of a Serious Public Emergency Because of the Requirements of the United States of America for Facilities for the Training of Members of the Armed Forces and/or Auxiliaries Attached thereto and/or Any Person or Persons Designated by the United States of America for Training; Authorizing the State Board of Examiners to Enter Into Arrangements or Agreements with the Proper Departments, Bureaus or Agencies of the United States of America for the Use of the Units Forming a Part of the University of Montana for Said Purpose; Authorizing the Expenditures of Moneys Appropriated to Said Units for Accomplishing of Said Purpose; and Providing That Payments Made by the United States of America Shall Revert to the Fund From Which Original Payment Is Made by Said Units.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The legislature finds and declares that a serious public emergency exists in this state, because of the requirement of the armed forces of the United States of America for facilities for the training of members of the armed forces and or auxiliaries attached thereto, or any person or persons designated by the United States of America for training.

Emergency declared.

Section 2. Notwithstanding any inconsistent provision of any general, special or local law, the state board of

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examiners is authorized and directed to enter into arrangements and/or agreements with the proper department, bureau or agency of the United States of America for the training of members of the armed forces and/or auxiliaries attached thereto, or any person or persons designated by the United States of America for training at any or all of the units of the university of Montana, and for that purpose is authorized and directed to expend any moneys appropriated to any such unit for the purpose of providing instructional services, dormitory facilities and board, and for purchase of needed equipment, materials and supplies, on the arrangement or agreement of said United States of America to repay any sums so expended, the providing of instructional services, dormitory facilities and board, and the purchase of needed equipment, materials and supplies to be made without regard to any laws relating to advertising for bids or competitive bidding, and when payment therefor has been received from the United States of America said payment shall revert to the fund from which original payment was made.

Contract for training of members of armed forces of the United States.

Expenses of instructional services and incidental facilities.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 23, 1943.

CHAPTER 69

An Act to Permit State Institutions, Producing Surplus Commodities, to Trade or Exchange Them for Needed Supplies Under Certain Conditions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Only when consent therefor is first obtained from the state board of examiners, any state institution incidentally engaged in producing commodities of any kind for its own use, and having a surplus of any commodities so produced, may exchange or trade the same for other commodities and supplies with another state institution or otherwise, when the best interests of such commodity producing institution and the State of Montana are served thereby.

Exchange of surplus commodities by state institutions.

Section 2. Nothing in this act shall be deemed to modify, amend or abridge Chapter 14, laws of twenty-

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Prison made goods not affected.

seventh legislative assembly of the State of Montana, or any law or laws pertaining to the making or marketing of prison made goods or any law or laws regulating or prohibiting the use or employment of convict labor.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 23, 1943.

CHAPTER 70

An Act to Amend Section 7594 of the Revised Codes of Montana of 1935, Relating to Filing Contracts for Sale of Personal Property and Assignments of Such Contracts, and to Amend Section 7595 of the Revised Codes of Montana of 1935, Relating to Duties of County Clerk and Recorder, and to Amend Section 7596 of the Revised Codes of Montana of 1935, Relating to Release and Satisfaction of Obligation by Vendor or Assignee or Assignees, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7594 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Filing of contracts for sale of personal property.

"Section 7594. **Filing** *of* **Contracts for Sale of Personal Property** *and Assignments of Such Contracts.* All contracts, notes, and instruments for the transfer or sale of personal property, where the title is stipulated to remain in the vendor until the payment of the purchase price, or some part thereof, shall be in writing, and the original or true copy thereof, certified by the county clerk and recorder, shall be filed with the county clerk and recorder of the county wherein said personal property was situated at the time of the execution of said contract, note, or other instrument for the transfer or sale of said personal property, *and* if the vendee resides without said county, the original or a certified copy thereof shall be filed in the county *wherein* the vendee resides, otherwise, any such contract, note, or instrument is void as to bona fide purchasers, mortgagees, or attaching creditors of such property prior to such filing.

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"All assignments of contracts, notes, and instruments for the transfer or sale of personal property, for which filing is herein provided for, shall be in writing, and shall contain the post office address of the assignee, and the original or a true copy of such assignment or assignments, certified by the county clerk and recorder, shall be filed with the county clerk and recorder of the county wherein said personal property was situated at the time of the execution of said contract, note, or other instrument, and if the vendee resides without said county, the original or a certified copy of such assignment or assignments shall be filed in the county wherein the vendee resides, otherwise, any such assignment or assignments are void as to bona fide purchasers, mortgagees, or attaching creditors of such property prior to such filing."

Assignment of contracts, and filing thereof.

Section 2. That Section 7595 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 7595. *Duties* **of County** *Clerk and* **Recorder.** *The county clerk and recorder shall keep an index record of all such contracts, notes or instruments filed in his office and shall note any assignment thereof on such index record and shall attach such assignment or assignments to the original of such contract, note or other instrument. Upon the filing of an instrument of acknowledgment or payment and satisfaction executed by the vendor or his assignee or assignees, or by the duly authorized agent or attorney of either, he shall note such satisfaction on such index record and shall attach such satisfaction to the original of such contract, note or other instrument. A fee of fifty-cents (50c) shall be paid for every such instrument filed."*

Duties of County Clerk and Recorder.

Section 3. That Section 7596 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 7596. *Release and Satisfaction of Obligation by Vendor or Assignees. Upon receipt of the purchase price, the vendor, or in case the vendor has made assignment of such contract, note, or other instrument for the transfer or sale of said personal property, then the assignee or assignees of said vendor shall deliver to the vendee, or his personal representative, acknowledgment of payment, satisfaction and discharge of the obligation of such contract, note, or instrument, and any such vendor, or his*

Release and satisfaction of obligation by vendor or assignees.

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personal representative or assignee or assignees, as the case may be, after the full performance of the conditions of such contract, note, or instrument, whether before or after a breach thereof, who shall for the period of thirty (30) days after being requested by the vendee, or his personal representative, for delivery of such acknowledgment of satisfaction, refuse or neglect to execute, acknowledge and deliver to the vendee, or his personal representative, an acknowledgment of satisfaction of such contract, note, or instrument, shall be liable to the vendee, his heirs or assigns in the sum of one hundred dollars ($100.00) and also for all actual damages occasioned or sustained by any person by such neglect or refusal."

Penalty for delay in delivery of satisfaction.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1943.

CHAPTER 71

An Act to Amend Section 6014.48 of the Revised Codes of Montana of 1935, Relating to the Limitation on Loans by Banks to Any One Person, Co-partnership or Corporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6014.48 of the Revised Codes of Montana of 1935, be, and the same hereby is amended to read as follows:

Limitation on loans.

"Section 6014.48. **Limitations on Loans.** The total loans to any person, co-partnership or corporation by any bank, including loans to a co-partnership, and loans to the several members thereof, shall at no time exceed twenty per centum (20%) of the amount of the unimpaired capital and surplus of such bank. The discount of bills of exchange drawn in good faith against actual existing values, the discount of bankers, acceptances of other banks, the discount of commercial or business paper actually owned by the person negotiating the same, and the obligations of the United States or general obligations of any state or of any political subdivision thereof, or obligation issued under authority of the federal farm loan act, shall not be considered as money borrowed, nor shall the foregoing limitations apply to loans made on warehouse re-

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ceipts and bills of lading, when such warehouse receipts and bills of lading cover non-perishable commodities of the marketable value of at least one hundred twenty per cent (120%) of the amount loaned thereon. *Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guaranties, or by commitments or agreements to take over or to purchase the same, made by any federal reserve bank or by the United States or any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.*

Loans excepted.

"The combined liabilities of the several members of any firm, co-partnership or unincorporated association to the loaning bank shall be included in the liabilities of such firm, co-partnership or unincorporated association, and the liabilities of such firm, co-partnership or unincorporated association shall be included in the liabilities of any member thereof in determining the foregoing limitations.

Combined liabilities of members of firm.

"When in the judgment of the superintendent of banks, the liabilities of any corporation or the combined liabilities of any corporation and one or more of its stockholders to any bank are excessive, he shall require the reduction thereof to such limits and within such time as he shall prescribe."

Superintendent of Banks, authority of.

Approved February 24, 1943.

CHAPTER 72

An Act to Amend Section 4954.16, of the Revised Codes of Montana of 1935, Relating to the Duties of the Director of Finance and the Examination of Books and Accounts of Counties Having Adopted and Which Are Operating Under the County-Manager Form of Government, Prescribing the System of Accounting to Be Used by Such Counties and Prescribing the Fees of Such Examination by the State Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4954.16, of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

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Department of Finance, and duties of Director of Finance.

"Section 4954.16. **Department of Finance.** (a) The director of finance shall have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees, and other revenues; the custody of all public funds belonging to or handled by the county; control over the expenditures of the county and its subdivisions; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment, and contractual services needed by any department, office, or other using agency of the county; the keeping and supervision of all accounts; and such other duties as the county board may by ordinance or resolution require.

Necessity of appropriation.

"(b) No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or resolution, or legally enacted supplement thereto. Accounts shall be kept for each item of appropriation made by the county board. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement, or order.

County Assessor.

"(c) The director of finance shall either act as county assessor or shall appoint and have supervision over this official. The assessor and his deputies shall have the powers, qualify in the manner, and perform the duties prescribed by general law.

Tax Collector and County Treasurer.

"(d) The director of finance shall either act as tax collector and county treasurer or shall appoint and have supervision over these officials; provided, that in lieu of the election or appointment of a treasurer the county board may select and designate annually, by ordinance or recorded resolution, some bank or banks or trust company as an official treasury for the funds of the county. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the county treasurer or the bank or trust company acting as county treasury. Any bank serving as a depository for county funds shall be subject to such requirements as to security therefor and interest thereon as prescribed by general statute. All

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interest on money so deposited shall accrue to the benefit of the county.

"(e) The director of finance shall be charged with the keeping of all general books of financial and budgetary control for all departments and offices of the county. Report shall be made to him daily, or as often as he may require, showing the receipt of all moneys and disposition thereof. He shall submit to the county board through the manager each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the county and of each department and division thereof. He shall submit once a year, or more often if the county board requires it, a complete financial statement showing the assets and liabilities of the county and of each of its subdivisions.

Duty of Director of Finance with reference to books of financial and budgetary control.

Financial statement to be submitted

"(f) *The state examiner shall have the power and it shall be his duty to make at least one (1) examination each year of the books and accounts of any county which may have adopted and which is operating under the county-manager form of government, and to prescribe the necessary records and systems of accounting as provided in Sections 210, 210.1, 211, 212, 213, 214, 215, 216 and 216.1, of the Revised Codes of Montana of 1935, and the actions of the county commissioners and all other officers thereof shall be subject to the provisions of said sections, and such county shall pay the fee provided for in Section 6014.78, of the Revised Codes of Montana of 1935.*

Examination by State Examiner.

"(g) The director of finance shall either act as purchasing agent or shall appoint and have supervision over this official. The purchasing agent shall make all purchases for the county in the manner, and with such exceptions, as may be provided by resolution of the county board. He shall have authority to make transfers of supplies, materials and equipment between departments and offices, to sell any surplus supplies, materials, or equipment, and to make such other sales as may be authorized by the county board. He shall also have power, with the approval of the county board, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county, and to inspect all deliveries to determine their compliance with such specifications and standards. He shall have charge of such store-

Purchasing Agent.

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rooms and warehouses of the county as the county board may provide.

Competitive bids.

"Before making any purchase or sale, the purchasing agent shall invite competitive bidding under such rules and regulations as the county board may by ordinance or resolution establish. The purchasing agent shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same."

Limitations relating to furnishing supplies.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1943.

CHAPTER 73

An Act to Amend Section 5384 of the Revised Codes of Montana of 1935, Relating to Supervisory Powers of Mayor and Councilmen; and Providing for the Election and Removal of City Officers and Assistants and for the Tenure of Office of the Chief and Other Officers of the Fire Department.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5384 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Departments of government.

"Section 5384. In cities having a mayor and two councilmen, the mayor shall be superintendent of the department of accounts, finance, and public property, and in cities having a mayor and four aldermen, the mayor shall be superintendent over the department of public affairs, and the mayor shall have general supervision over all departments of the city and over all matters connected with said city, and the council shall, at its first regular meeting after the election of its members, designate, by majority vote, one councilman to be superintendent over each department of the city, but such designation may be changed whenever it appears that the public service would be benefited thereby.

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"The council shall at its first regular meeting after the election of its members, or as soon thereafter as practicable, elect by majority vote the following officers: a city clerk, a city treasurer, a city attorney, a city auditor, a city engineer, a city physician, a chief of the fire department, a chief of the police department, a commissioner of weights and measures, a street commissioner, library trustees, cemetery trustees, and such other officers and assistants as shall be provided for by ordinance, and which may be necessary to the proper and efficient conduct of the affairs of the city; provided, however, that the council may, by ordinance, consolidate any of the offices the election to which is made by the council, and may require any officer elected by the council to perform the duties of any other officer; and shall appoint a police judge with the authority now conferred by existing laws. *The tenure in office of a chief of the fire department and other officers of the fire department shall be governed by the provisions of Section 5110 and Section 5111 of this code.* Any officer or assistant, elected or appointed by the council, may be removed from office at any time by a majority vote of the members of the council, except as otherwise provided in this act."

Election of officers.

Tenure of office and removal.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after the first Monday in July, 1943.

Effective date.

Approved February 24, 1943.

CHAPTER 74

An Act to Amend Section 3153 of the Revised Codes of Montana, 1935, Relating to the Penalty for the Violations of Chapter 269 of the Political Code, Revised Codes of Montana, 1935, Regulating the Practice of Chiropractic.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3153 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3153. **Penalty for Violation of Act.** Any

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Penalty for violation of Act.

person who shall practice, or attempt to practice chiropractic, or any person who shall buy, sell, or fraudulently obtain any diplomas, or license to practice chiropractic whether recorded or not, or who shall use the title chiropractor, D. C. Ph. C., or any word title to influence belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this act, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than *seven hundred dollars ($700.00)* or by imprisonment in a county jail for not less than thirty (30) days or more than *seven (7) months*, or by both such fine and imprisonment. *Prosecutions for the violation of this act shall be instituted in the district courts.*"

Repealing clause.

Section 2. All acts or parts of acts in so far as the same conflict herewith are hereby repealed.

Approved February 24, 1943.

CHAPTER 75

An Act to Amend Sections 3271, 3272, 3274, and 3279 of the Revised Codes of Montana of 1935, Relating to the Compensation Out of State and County Funds for Animals Destroyed and Payment for Other Personal Property Destroyed by Direction of the Montana Livestock Sanitary Board, Presentation of Claims Against the State or Any County Thereof Arising From the Destruction of Animals or Property Destroyed by Order of the Montana Livestock Sanitary Board, and Deduction From Compensation So Paid Out of State and County Funds of Compensation Paid by Other Indemnifying Agencies, by Providing for the Classification of and Payment for Animals and Other Personal Property Destroyed by Order of the Montana Livestock Sanitary Board on the basis of Appraised Value; Providing the Method for Such Appraisal; Providing for Payment Under Certain Condtions for Certain Animals Destroyed Which have not been Within the State of Montana for at Least One Hundred and Twenty (120) Days; Providing How Claims for Indemnity May Be Made; Making More Definite and Certain the Provisions for Deduction From Compensation Paid Out of State and

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County Funds of Compensation Paid by Other Indemnifying Agencies; Providing This Act Shall Supplement Chapter 177 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3271, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3271. **Classification of Animals as to Compensation for Slaughter.** Animals with reference to compensation for slaughter by direction of the *Montana* livestock sanitary board or an agent thereof, under the provisions of this act, shall be divided into two classes, to-wit:

Classification of animals as to compensation for slaughter.

"1. Animals determined by the state veterinary surgeon or by a deputy *state* veterinary surgeon to be affected with an incurable disease which are *destroyed* by order of such officer, shall be designated as animals of class 1 and unless otherwise provided each of such animals shall be paid for on the basis of seventy-five percent (75%) of its *appraised* value. The county in which such animal *was owned at the time it was determined to be affected with an incurable disease as such ownership and county is determined by affidavit of the owner of the animal, or his agent,* shall be liable in part, as hereinafter provided, for any indemnity to be paid for such animal. *Each animal directed to be destroyed shall be appraised by a representative or an authorized agent of the Montana livestock sanitary board with the owner agreeing in writing as to the value of such animal. When thus appraised, due consideration shall be given to its breeding value as well as its dairy or meat value and the condition of the animal as to the disease and the present and probable effect of the disease on the animal. In the absence of such agreement, there shall be appointed three (3) competent, disinterested parties, one appointed by the Montana livestock sanitary board, one by the owner, and a third by the first two, to appraise each such animal taking into consideration its breeding value as well as its dairy or meat value and the condition of the animal as to the disease and the present and probable effect of the disease on the animal. The judgment of the majority shall be the judg-*

Animals of Class One and compensation.

Appraisal.

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ment of said appraisers and shall be binding upon both parties as the final determination of indemnity to be paid for each such animal; provided the total *compensation of each of such appraisers shall be limited to five dollars ($5.00) for such group appraisal, one-half (½) of which amount shall be paid by the Montana livestock sanitary board;* provided the *total* amount of indemnity paid *by the state and any county* for any such animal shall *not* exceed the *actual sound value of an animal of its class, and* provided further that the total *combined amount of indemnity paid for such* animal *by the state and any county* shall not exceed the sum of *one* hundred dollars *($100.00)* for any *registered* purebred animal or the sum of *fifty* dollars *($50.00)* for any grade animal. *Animals presented for appraisal as purebreds shall be accompanied by their registration papers at the time of appraisal or they shall be appraised as grades, provided, however, if purebreds are less than three (3) years old and not registered, the Montana livestock sanitary board may grant a reasonable time for their registration, and presentation of their registration papers to the appraiser. Registration papers shall accompany the claim for indemnity.*

Limitation of indemnity.

"2. Animals of class 1 shall be paid for on *the* basis of their full *appraised value* as herein determined in event no evidence of such incurable disease is disclosed by autopsy, bacteriologic, serologic, microscopic or other findings provided the total *combined* amount of indemnity paid *by the state and any county* for any such animal shall not exceed the actual sound value of an animal of its class; provided further that the total *combined* amount of indemnity paid *by the state and any county* for such animal shall not exceed *one* hundred dollars *($100.00)* for any *registered* purebred animal or *fifty* dollars *($50.00)* for any grade animal.

Indemnity when no incurable disease is disclosed.

"3. Animals determined by the state veterinary surgeon or by a deputy *state* veterinary surgeon to be affected with or exposed to an infectious-contagious, communicable, or dangerous disease, which is not of its nature necessarily fatal, which animals are *destroyed* by order of such officer as a sanitary safeguard, shall be designated as animals of class 2 and unless otherwise herein provided each such animal shall be paid for on *a* basis of its full *appraised* value, as such *appraisal* is determined in *subsection 1 above. The county in which such animal was*

Animals of Class Two.

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owned at the time it was determined to be affected with such disease shall be liable in part as hereinafter provided for any indemnity to be paid for such animal; provided the total *combined* amount of indemnity paid *by the state and any county* for any such animal shall not exceed the actual sound value of an animal in its class; and provided further that the total *combined* amount of indemnity paid for such animal *by the state and any county* shall not exceed *one* hundred dollars *($100.00)* for any *registered* purebred animal or *fifty* dollars *($50.00)* for any grade animal; *provided however, that the method of appraisal and the limitation of indemnity shall not apply to an animal or animals destroyed or property destroyed, as the case may be, on account of an outbreak of foot-and-mouth disease, rinderpest, contagious pleura pneumonia, surra, or other disease declared by the Montana livestock sanitary board to be an extremely dangerous disease. In such cases it is expressly provided that the provisions for the appraisal and payment of indemnity as provided in Chapter 177 of the Session Laws of 1937 may be adopted by the Montana livestock sanitary board, with the approval of the state board of examiners.*

Limitation of indemnity.

Indemnity in case of animals killed on account of outbreak of certain diseases.

"4. *Animals which may be injured or killed while they are being inspected or tested in accordance with an order of the Montana livestock sanitary board or its agent, and which animals do not come within either class 1 or class 2 as herein provided, may be paid for at their full appraised value, and the claim therefor is recommended for payment at a meeting of the Montana livestock sanitary board and is approved by the state board of examiners and where it is shown that the injury or death of such animal was not proximately due to the negligence of the owner or his agent the whole of such claim when so approved, shall be paid out of Montana livestock sanitary board funds provided, however, that the limit of indemnity for such animal paid by the state shall not exceed that fixed by this act for animals of class 2.*"

Payment for certain animals injured or killed during inspection.

Section 2. That Section 3272, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3272. **Payment for Other Personal Property.** Personal property other than livestock destroyed by order of the *Montana* livestock sanitary board or an authorized representative thereof shall be paid for on the basis of its

Payment for other personal property.

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appraised value; such *appraised value* to be determined in the manner specified in the *preceding section* for the determination of the *appraised value* of animals."

Section 3. That Section 3279, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Compensation from Federal Government or other agency.

"Section 3279. **Compensation From Federal Government or Other Agency.** In all cases where the federal government, or agency other than the state or county, shall compensate the owner in whole or in part for livestock or property destroyed by order of the Montana livestock sanitary board, then the amount of such compensation from the federal government, or other agency, shall be deducted from the amount of compensation or indemnity, *which otherwise would be payable by the state and any county,* provided herein for such animal or property destroyed; and provided further, that where the owner, or agent, of such livestock or property destroyed by order of the Montana livestock sanitary board shall forfeit any indemnity which the owner would otherwise be entitled to from the federal government, or other compensating agency than the state or county, by violation of the regulations of the federal government, or other agency, then and in such case an amount equal to the indemnity which would have been paid, but for the forfeiture, by the federal government, or other indemnifying agency, shall likewise be deducted from the payment required by this act from the state and county for the destruction of such animal or property."

Section 4. That Section 3274, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Presentation of claims for indemnity.

"Section 3274. **Presentation of Claims for Indemnity.** Claims against the state and any county thereof arising from the destruction of animals or property destroyed by order of the *Montana* livestock sanitary board, shall be made upon official forms *as provided by the Montana livestock sanitary board* which must contain an affidavit by the owner or his agent with knowledge of the facts of such animal or property *certifying to the ownership of such animal or animals or property and the county in which they are owned,* and that such animal or animals have been *destroyed* and the property destroyed, *as the case*

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may be, in accordance with the law, and *the* regulations of the *Montana* livestock sanitary board; and such claims must be accompanied by a certificate from the state veterinary surgeon or his authorized deputy or agent that such animal or animals or property, as the case may be, were ordered destroyed. Such claims shall likewise be accompanied by *a* certificate of *appraisement as such appraisal is determined under Section 3271, together with an account of sale showing the net proceeds from the sale of the animal if any, paid to the owner of the animal.''*

Class 2 animals in state less than 120 days.

Section 5. *Indemnity for animals of class 2 when such animals have not been within the State of Montana for at least one hundred and twenty (120) days and such payment is authorized by the Montana livestock sanitary board and approved by the state board of examiners as provided for in sub-section 5 of Section 3278, Revised Codes of Montana, 1935, shall be paid out of livestock sanitary board funds.*

Act additional to existing statutes.

Section 6. *Additional to Existing Statutes. It is speciafically declared to be the intention of this legislative assembly that the enactment of this act does not repeal or amend Chapter 177 of Session Laws of 1937, but is intended as additional legislation to facilitate the payment of indemnity in accordance with federal law and regulations of the bureau of animal industry, United States department of agriculture.*

Repealing clause.

Section 7. *All acts or parts of acts in conflict herewith are hereby repealed.*

Effective date.

Section 8. *This act shall be in full force and effect on and after its passage and approval.*

Approved February 24, 1943.

CHAPTER 76

An Act Relating to the Institution for the Insane at Warm Springs, and the Inmates Thereof; Providing That Such Institution Shall Be Known and Designated as the Montana State Hospital; Amending Section 1440, Revised Codes of Montana, 1935, as Amended by Chapter 117, Session Laws 1939, Relating to Moneys Found on Persons Charged With Insanity at the Time They Are Taken Into Custody, and the Use and Disposal of

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Such Money; Amending Section 1444, Revised Codes of Montana, 1935, as Amended by Chapter 117, Session Laws, 1939, so as to Impose Certain Duties on County Boards of Public Welfare in Connection With Investigations as to Financial Condition of Persons Charged With Insanity and of the Relatives of Such Persons Legally Liable for Their Support; and Providing for the Payment of Costs of Hearing, Transportation and Maintenance and Care of Persons, Other Than Indigents, Who Are Committed to the Montana State Hospital; Providing for the Enactment of a New and Additional Section to Be Designated as Section 1444.1, Providing for the Transfer From the Montana State Hospital to the Montana State Training School of Persons committed to Such Hospital and Who Are Not Proper Persons to Be Kept and Retained at Such Hospital But Are Proper Persons to Be Placed in Said Montana State Training School, and Prescribing the Procedure for such Transfer; and Repealing Section 1420, Revised Codes of Montana, 1935, and All Other Acts and Parts of Acts in Conflict With This Act or Any of the Provisions Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the institution located at Warm Springs, in Deer Lodge County, State of Montana, heretofore referred to and usually known and designated as the "state insane asylum" shall hereafter be known and designated as the "Montana state hospital", and wherever the terms "state insane asylum" or "insane asylum" may appear or be used in any section of the Revised Codes of Montana, 1935, or in any act amendatory thereof, or supplemental thereto, they shall be deemed and construed to refer to and mean the "Montana state hospital"; provided, that such change in name shall not be construed so as to, in any manner whatever, impair or work a forfeiture of any property, rights or grants made to such institution, or to the State of Montana, for its use or benefit.

Montana State Hospital.

Section 2. That Section 1440, as amended by Chapter 117, Session Laws 1939, be, and the same is hereby amended to read as follows:

"Section 1440. *When any person is adjudged to be insane and ordered committed to the Montana state hos-*

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pital, or is adjudged to be in such a condition of mind that he should be placed in such hospital for observation, all moneys found on him at the time he is taken into custody must be certified to by the judge, and sent with such person to the *hospital*, to be delivered to the *superintendent thereof*, whose receipt therefor shall be taken by the officer or other person delivering him to the *hospital, who must file such receipt with the clerk of the district court of the county in which the proceedings were had.* If the *amount* exceeds one hundred dollars ($100.00), the excess must be applied to the payment of the expenses of such person while in the *hospital.* If the *amount* is one hundred dollars ($100.00) or less it must be kept and delivered to the person when discharged *or released from the hospital* or applied in payment of funeral expenses if *such person dies while in such hospital. If any amount standing the credit of any person paroled, discharged or released, or after payment of the funeral expenses of such person who dies while in such hospital, shall remain unclaimed for one (1) year after such parole, discharge, release or death, fifty per centum (50%) of such amount, but not in any event exceeding fifty dollars ($50.00) shall be withdrawn from such account and placed in the "patients' deposit account, special account", to be expended for indigent patients at such times and in such manner and for such purposes as may be prescribed by the superintendent of such hospital. Any balance remaining to the credit of any such person,* shall be *transmitted* to the county treasurer of the county from which said person was sent, and if any sum remains after paying the costs of *hearing,* and transportation *to the hospital,* the balance shall be paid into the state treasury to the credit of the general fund."

Disposition of money on person of person committed.

Section 3. That Section 1444, Revised Codes of Montana, 1935, as amended by Chapter 117, Session Laws 1939, be, and the same is hereby amended to read as follows:

"Section 1444. *When the judge has fixed the time for hearing and examination, as provided in Section 1431, the clerk of the court must immediately deliver to the county board of public welfare a written notice giving the name of person named in the affidavit and warrant, his place of residence, and the name of the person making the affidavit, and some member of the staff of such board must,*

Notice to and investigation by County Board of Public Welfare.

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without delay, make an investigation to ascertain and determine the financial condition of the person named in such affidavit and warrant, the property and value thereof, if any be owned by such person, the income, if any, therefrom, names of relatives, if any, legally liable for the support and maintenance of such person, and their financial condition and ability to pay the costs of such proceeding, transportation to the Montana state hospital, and care and maintenance of such person therein, and shall make a written report of such investigation and file the same with the clerk of the court prior to the time set for such hearing and examination. On the hearing and examination, if the person is adjudged to be insane and an order is made committing him to the state hospital, or if it is adjudged that there is reason to believe that his mind is disordered to such an extent that he should be placed in hospital for observation for the purpose of ascertaining and determining his condition of mind and whether he should be committed to such hospital and an order is made therefor, it shall be the duty of the judge before whom the hearing is had to take evidence as to the financial worth of said person, *the property and value thereof owned by him, if any, and the income, if any therefrom, and the financial condition and ability of any and all persons legally liable for his support and maintenance to pay the costs of such proceeding, transportation to the state hospital and care and maintenance of such person therein, and the report of the member of the staff of the county public welfare board making the aforesaid investigation and filed in the office of the clerk of the court shall be considered and deemed a part of such evidence. All evidence introduced* shall be reduced to writing and filed in the office of the clerk of *said court*, together with all orders, subpoenaes, affidavits, complaints, warrants and papers used on said hearing or made by said judge, and said clerk shall enter upon the journal of the minutes of probate proceedings a record of all proceedings had, in the same manner as proceedings in probate. If it appears from said evidence that *such* person has any means, money or property out of which the *costs of the proceeding, transportation to the state hospital and* his maintenance *therein*, or any part thereof could be paid, it shall be the duty of the judge before whom such hearing is had, to issue a citation to *any person or persons* in possession of *such* property, *or any thereof*, and to the relatives of such

Evidence to take evidence as to financial worth of person under examination.

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person, if any there be in the county *of which such person is a resident*, citing them to appear and show cause why a guardian should not be appointed for *such* person, and why said guardian should not be ordered to pay the co s of *such proceeding, transportation to the state hospital and cost* of the maintenance of *such* person, or so much thereof as his means will permit, which citation shall be served and all proceedings thereunder conducted as provided by Sections 10355 to 10376 of these codes, and if it appears to the court that such person has property that can be applied towards the *payment of the costs of the proceeding, transportation to the state hospital and* his maintenance *therein*, it shall be the duty of the court to make an order to that effect, stating how much of such person's property shall be so applied, the amount to be fixed with due regard to the proper preservation of the estate of such person, *provided that the amount fixed for the maintenance of such person in such hospital shall not, in any event, exceed one dollar ($1.00) per day. If it appears to the court that such person has no means, money or property, or not sufficient means, money or property, to pay the costs of the proceeding, transportation to the state hospital and his maintenance therein, but has relatives who are legally liable for his maintenance and support, and upon whom citation has been served as herein provided, who are financially able to pay such costs of proceedings, transportation and maintenance, or a part thereof, it shall be the duty of the court to make an order to that effect, stating therein the names of such relatives, and requiring them to pay such costs of proceedings, transportation and maintenance in such hospital, or so much thereof as may be fixed in such order; provided that the amount fixed for the maintenance of such person in such hospital shall not, in any event, exceed one dollar ($1.00) per day. If it appears to the court that such person is an indigent and has no relatives legally liable for his support and maintenance the court shall make an order so stating and that such person is to be received at such hospital as an indigent person. Whenever any order is made by the court directing the payment of the costs of proceeding, transportation and maintenance or any part thereof of any person out of the estate of such person, or by any relatives thereof legally liable for his support and maintenance, such order must be filed in the office of the clerk of the court, and such court must make duplicate*

Order of court relating to application of property of person committed.

Indigent persons.

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certified copies thereof, delivering one thereof to the board of county commissioners of such county and transmitting the other thereof to the superintendent of the Montana state hospital."

Section 2. That there be enacted a new section to be known and designated as Section 1444.1, to read as follows:

"Section 1444.1. When any person has been heretofore, or may be hereafter committed to the Montana state hospital as an insane person, and the superintendent and physicians of such hospital shall determine and conclude from examination, tests and observation of such person, that he is not a proper person to be confined in such hospital but should properly be placed in the Montana state training school at Boulder, the superintendent of the state hospital shall ascertain from the superintendent, or person in charge of the state training school, whether or not there is room and accommodations for such person at such training school. If there is room and accommodations for such person at such training school, then the superintendent of the state hospital shall make a certificate in triplicate, which shall give the name of the person to be transferred, the county from which committed to such hospital, date of commitment and date received at such state hospital, and state as fully as possible therein the reasons why such person should be transferred from the state hospital to the state training school, and all three copies of such certificate shall be signed by the superintendent and all physicians of the hospital who have examined and observed such person while in said hospital. One copy of such certificate shall be retained in the files of the hospital and one copy thereof shall be transmitted to the clerk of the district court of the county from which such person was committed to the state hospital. The clerk of said district court, upon receiving such copy of certificate, shall immediately give written notice to the relatives or guardian whose names are shown in the proceedings for the commitment of such person to the state hospital, or disclosed by any guardianship proceedings with regard to such person in such court, stating briefly the contents of such certificate and purpose thereof. Any such relative or guardian may make and file with the clerk of such court, within ten (10) days after the date of such notice, written protest or objection to the proposed

Transfer of persons to State Training School.

Protest.

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transfer. If any such written protest or objection is filed within such time, the clerk of the court shall notify the district judge thereof, and such judge shall fix such time and place for the hearing of such protest and objection in open court as will give reasonable opportunity for the production and examination of witnesses. If no such protest or objection is filed within such time, or if a protest or objection is filed within such time and after a hearing thereon the judge shall make an order approving such transfer, the transfer may be made, but if such protest or objection is filed and after a hearing thereon the judge makes an order disapproving such transfer then the transfer shall not be made. The clerk of the court shall, if no protest or objection is filed within the time provided, transmit a written notice, in duplicate to the superintendent of the state hospital that no protest or objection has been filed, and if a protest or objection has been filed and a hearing had thereon such clerk shall immediately after the making of any order approving or disapproving such transfer, make a certified copy of such order, in duplicate, and transmit both thereof to the superintendent of such hospital. Upon receiving such written notices that no protest or objection has been filed, or upon receiving certified copies of an order approving such transfer, one of such notices or certified copy of order shall be placed in the files of the state hospital, and the superintendent of such hospital may then have an attendant of the hospital take such person and deliver him to the superintendent or person in charge of such training school, together with a copy of such certificate with a copy of such notice or certified copy of order attached thereto, to the superintendent or person in charge of such training school and the same shall be his authority for receiving and keeping such person, and shall take the place of any commitment thereto. The cost of transporting such person from the hospital to the training school shall be paid out of funds appropriated for the maintenance of the state hospital.

Hearing upon protest, and notice thereof.

Cost of transportation.

Section 5. That Section 1420, Revised Codes of Montana, 1935, be, and the same is hereby repealed.

Sec. 1420 R. C. 1935 repealed.

Section 6. All acts and parts of acts in conflict with this act or any of the provisions thereof are hereby repealed.

Repealing clause.

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Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1943.

CHAPTER 77

An Act to Amend Section 4886 of the Revised Codes of the State of Montana, 1935, Relating to Fees Allowed Sheriffs for the Board of Prisoners; Providing for an Increase of Said Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4886 of the Revised Codes of the State of Montana, 1935, be amended to read as follows:

"Section 4886. **Fees for Board of Prisoners.** The fees allowed sheriffs of the several counties of the state for the board of prisoners confined in jail under their charge shall be at the rate of *one dollar ($1.00)* per day for each of said prisoners, when the number of prisoners shall be twenty (20) or less each day; and when the number of the prisoners per day shall exceed twenty (20) and be less than fifty (50), then at the rate of *seventy-five cents (75c)* per day for each of said prisoners in excess of twenty (20) per day and less than fifty (50) per day; and when the number of the prisoners per day shall exceed fifty (50), then at the rate of *sixty cents (60c)* per day for each of said prisoners in excess of fifty (50) per day."

Fees for board of prisoners.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date and period.

Section 3. This act shall be in full force and effect from and after its passage and approval, and shall remain in force during the war and for a period of six (6) months thereafter, and not longer.

Approved February 24, 1943.

CHAPTER 78

An Act Providing a Remedy, Additional to Existing Remedies, to Owners of Royalty Interests in or Attaching to Lands Producing Natural Gas, Oil or Other Minerals

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by Way of an Action by Royalty Owners in Court to Compel All Accounting and Enforce Payment on the Part of the Person or Persons Obligated for the Delivery of Such Royalty and Providing for the Recovery of Reasonable Attorneys' Fees and Costs and the Joinder as Parties Plaintiff in Said Action by the Several Owners of Royalty Interests in Said Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever an owner of a royalty interest in or attaching to lands producing natural gas, oil or other minerals or in or to the natural gas, oil or other mineral production from said lands, whether said royalty is payable in kind out of the product of the lands or out of the money proceeds from the sale of the product of said lands, shall make a written demand upon the person or persons obligated to deliver or pay such royalty for an accounting of the natural gas, oil or other minerals produced from said lands and makes written demand for delivery or payment of such owner's royalty as may then be due and the person or persons obligated for the delivery or payment of said royalty fails to make the accounting demanded and the payment or delivery of the royalty due within a period of sixty (60) days following the date upon which said demand is made, then the said owner of said royalty may file an action in the district court of the county wherein said lands are located to compel the accounting demanded and to recover the payment or delivery of the royalty due against the said person or persons obligated as aforesaid.

Court action for accounting as to royalty from oil, gas or other mineral production.

In said action the successful party or parties recovering judgment against the person or persons obligated shall, in addition to relief by way of accounting and recovery of the royalty due as hereinabove provided, also recover judgment for a sum of money by way of reasonable attorney's fees to be allowed by the court together with the costs allowed to successful parties by law in actions generally in said court.

Judgment to include attorney fee and costs of successful plaintiff.

Whenever the same person or persons is or are obligated for delivery or payment of said royalty to separate owners of royalty in or to a tract of land or any portion of said land or the product of the whole or any part of said land, then any number of said owners of royalty may join their

Joinder as parties plaintiff.

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separate causes of action as parties plaintiff in the action herein provided for and in their complaint filed in said action each cause of action of each of the several plaintiffs shall be set forth separately in said complaint and the judgment given, made and rendered upon said complaint, shall adjudge the relief to one or more of the plaintiffs and deny relief to any one or more of said plaintiffs accordingly as the evidence may establish.

Judgment to include attorney fee and costs of successful defendant.

If the defendant or defendants prevail in said action against any one or more of said plaintiffs, the court shall adjudge and allow to such defendant or defendants and against the unsuccessful plaintiff or plaintiffs recovery of a sum of money as reasonable attorney's fees to be allowed by the court and adjudge and allow costs to said defendant to be recovered from the said unsuccessful plaintiff or plaintiffs in said action, as provided for by law in actions generally in said court.

Remedy not exclusive.

Section 2. The remedy herein provided for is in the nature of a special remedy additional to and not a substitute for other remedies given by law to owners of royalties in lands of the character specified, and all acts or parts of acts in conflict with the provisions of this act shall not apply in actions authorized and provided for by this act.

Effective date.

Section 3. This act is hereby deemed and declared an emergency act and shall be in full force and effect upon its passage and approval.

Approved February 24, 1943.

CHAPTER 79

An Act to Amend Section 4 of Initiative Measure No. 41 Entitled "State Highway Treasury Anticipation Debentures Act of 1938", as Amended by Section 4 of Chapter 30 of the Session Laws of Montana of 1939, Relating to the Redemption of State Highway Treasury Anticipation Debentures.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of the state highway treasury anticipation debentures act of 1938 as amended by Section 4 of Chapter 30 of the laws of the twenty-sixth legislative

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assembly of Montana of 1939, be, and the same is hereby amended to read as follows:

"Section 4. The issue and sale of said debentures shall constitute an irrevocable contract between the State of Montana and the legal owner of any of said debentures or coupons attached thereto, that the excise or license tax of five cents (5c) a gallon on gasoline or motor fuels of dealers or distributors, as provided in this act or in any of the other laws of the State of Montana thereunto enabling, shall not be reduced nor any part thereof diverted to any other purpose than as at present provided by law, so long as any of said debentures or said coupons remain outstanding and unpaid, and that the State of Montana will cause such taxes to be promptly collected and after the payment of drawbacks or refunds, the state treasurer shall set aside monthly from the proceeds from said license taxes and pay into a fund to be known as the state highway treasury anticipation debenture interest and redemption fund of 1939, which is hereby created as a separate and distinct fund of the State of Montana, an amount of money collected therefrom equaling one-sixth (1/6) of the interest requirements on said debentures which will fall due upon the next succeeding interest payment date and an amount sufficient to create an adequate sinking fund to pay the redemption price of all outstanding debentures optional for prior payment, provided that such monthly payments for meeting the interest and principle requirements of said debentures shall always be fully sufficient therefor so as to provide ample funds for the prompt payment of the principal amount of all such debentures at the maturity of each thereof and the interest accrued thereon; *provided further that any funds in said state highway treasury anticipation debenture interest and redemption fund which have been accumulated in said fund to pay the principal of said debentures, may, on authorization by the state board of examiners, be expended by the state treasurer for the purchase of said debentures or any thereof at any time prior to their maturity but at no more than their par value.* The pledge of said license or excise taxes of five cents (5c) a gallon on gasoline or motor fuels and dealers and distributors as therein and herein provided, shall be irrepealable until all of said debentures and the interest accrued thereon shall have been fully paid and all of said debentures and the interest thereon shall be paid solely from the proceeds of said

Tax not to be reduced or diverted.

State Highway Treasury Anticipation Debenture Interest and Redemption Fund created.

Purchase of debentures before maturity.

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When taxes may be reduced.

excise taxes as collected, provided that nothing in this act shall prevent the reduction of such excise taxes when sufficient moneys to pay the principal and accrued interest on all of said debentures have been set aside in said highway treasury anticipation debentures interest and redemption fund of 1939, and all moneys in said fund shall be retained by the state treasurer as a fund separate and apart from all other state funds and shall be used exclusively for the payment of the principal of and interest upon the debentures issued pursuant to this act."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1943.

CHAPTER 80

An Act to Amend Section 6356.1 and Section 6356.3 of the Revised Codes of Montana 1935, Relating to Building and Loan Associations, Prescribing Their Powers With Reference to Making, Selling and Insuring Loans, Advances of Credits, Stockholders' Accounts and Other Contracts and Providing That Said Section 6356.1 and Section 6356.3 of the Revised Codes of Montana 1935, shall apply Only to Such Transactions As Are Made Under the "National Housing Act" as Are Herein Described and Set Forth.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6356.1 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"6356.1. Subject to such regulations as may be prescribed by the federal housing administrator, pursuant to an act of congress cited as the 'national housing act', approved by the president on the twenty-seventh day of June, A. D. 1934, *and all amendments thereto* as well as any amendments *hereafter* duly passed and approved, building and loan associations qualified to do business in this state are hereby empowered to make such loans, secured by mortgages upon real estate, *and other* advances of credit, to members or others, charges, investments, purchases, sales, contracts for insurance of mortgages *and advances of credit* and stockholders' accounts and other

Building and Loan Associations empowered to make loans pursuant to National Housing Act.

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contracts as are now, or may hereafter be authorized or provided for by said 'national housing act' and any amendments thereof duly passed and approved."

Section 2. That Section 6356.3 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"6356.3. The provisions of this act shall apply only to loans, advances of credit, charges, investments, purchases, sales, contracts for insurance of mortgages *and advances of credit* and accounts of stockholders and other contracts made in connection with and incidental to loans secured by mortgages, *and to advances of credit,* insured, or to be insured, and accounts insured or to be insured under the provisions of said 'national housing act' and amendments thereof duly passed and approved."

Application of Act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 24, 1943.

CHAPTER 81

An Act to Amend Section 6 of Chapter 171 of the Laws of Montana of 1941, Relating to the Sale and Lease of Unredeemed Tax Title Property by County Commissioners and Providing for the Method of Distributing the Proceeds From the Sale or Lease of Such Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6 of Chapter 171 of the laws of Montana of 1941, be, and the same is hereby amended to read as follows:

"Section 6. The proceeds of every such sale or lease shall be paid over to the county treasurer who shall apportion and distribute the same in the following manner:

Proceeds of sale or lease, disposition of.

(a) *Upon a lease of the property the amount received as rent, royalty, or otherwise, including interest received on the payments under either a sale or lease shall be apportioned as provided in subdivision (d) hereof and shall be credited as earnings of tax deed property and not considered as a credit to tax deed accrued accounts, as in*

Rent and interest.

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the case of the principal received from sales of tax deed lands.

Amount to be credited to county general fund.

(b) Upon a sale of such property the proceeds of each sale up to the amount of ten dollars ($10.00) shall be credited to the county general fund to reimburse such for expenditures made therefrom in connection with the procurement of tax deed and holding sale.

Credits to original funds or purposes.

(c) *Upon a sale of the property* if there be any amount remaining of such proceeds *after the payment of the amount specified in subdivision (b) hereof* and such remainder is in excess of the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty and interest, then so much of such remaining proceeds shall be credited to each fund or purpose, as the same would have received had such taxes been paid before becoming delinquent and all excess shall be credited to the general fund of the county.

When to be prorated.

(d) *Upon such sale* if there shall be any amount remaining of such proceeds *after the payment of the amount specified in subdivision (b) hereof* and such remainder is less in amount than the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty or interest, such proceeds shall be prorated between such funds and purposes in the proportion that the amount of taxes and assessments accrued against such property for each such fund or purpose bears to the aggregate amount of taxes and assessments accrued against such property for all funds and purposes."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1943.

CHAPTER 82

An Act to Amend Section 5 of Chapter 171 of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana, Relating to Leasing of Unsold Lands Acquired by County by Tax Deed.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 171 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, be, and the same is hereby, amended to read as follows:

"Section 5. Whenever such lands have been offered for sale at public auction and not sold, the county commissioners may, if deemed for the best interests of the county, lease said lands upon the best terms obtainable for farming, grazing, oil and gas development, *or for military purposes*, provided that such lease, when for farming *purposes*, shall not extend over a period longer than three (3) years, and when for grazing *purposes* such lease shall not extend over a period longer than five (5) years, except lands within a legally created or thereafter to be created grazing district when such lease may run for a period of not to exceed ten (10) years, provided lands leased for all purposes, *except those leased to the United States of America for military purposes*, may be subject to sale at the discretion of the board of county commissioners during the term of the lease and leases, *except of lands leased to the United States of America for military purposes*, shall be subject to all rules and regulations relative to land use policies or regulations to best advance public welfare and benefit, that may be adopted by the board of county commissioners with the advice of the county agricultural planning committee and provided, further, that the lease rental may vary according to the livestock grazing capacity of the lands leased as determined by the board of county commissioners, and when for mineral or oil and gas purposes, said lease shall be for such terms as the board of county commissioners shall deem to be for the best interest of the county, and reserve a royalty of twelve and one-half per cent (12½%) which shall include any royalty payable to any person other than the county, *and when to the United States of America for military purposes, said lease shall be for a term of one (1) year, and may, at the option of the United States of America, be renewed from year to year at a rental of and otherwise upon the terms and conditions in the initial lease specified, provided notice be given in writing to the board of county commissioners at least thirty (30) days before the initial lease or any renewal thereof would otherwise expire, provided that no renewal*

Leasing of unsold tax-deed lands.

Terms and provisions of leases.

Leases to United States for military purposes.

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thereof shall extend the period of occupancy of the premises beyond a period of twenty-five (25) years from the commencement of the initial term, and, provided further, that any lands heretofore leased to the United States of America for military purposes, and upon which improvements have heretofore been made by the United States of America, shall not be re-offered for sale before being again leased to the United States of America for military purposes, and any and all leases of land heretofore made or attempted to be made by any county to the United States of America for military purposes, whether or not irregular or void for any reason, are hereby confirmed and declared to be legal and valid, notwithstanding the provisions of any law to the contrary. The county commissioners may also, after any of said lands have been offered for sale and not sold when it is deemed for the best interest of the county, exchange said lands for other lands of equal value where the effect of such exchange would be to acquire land which could be leased or sold to better advantage."

Exchange of lands.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1943.

CHAPTER 83

An Act to Validate Records of Court Proceedings Containing Defects, Omissions, Informalities or Irregularities in Obtaining Judgment or Decree Affecting Real Property, in Cases in Which Time for Appeal Has Expired.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any judgment or decree of any court of this state affecting real property, which was, previous to the date this act takes effect, copied into the proper book, kept in the office of the clerk of the district court, and certified copy of which judgment or decree was, previous to the date this act takes effect, recorded in the proper book, kept in the office of the county clerk and recorder, shall be deemed to impart, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, informality or irreg-

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ularity in any of the court proceedings in the action in which such judgment or decree was entered and obtained, if time for appeal in the case has expired, and such judgment or decree shall not be deemed invalidated by reason of any such defect, omission, informality or irregularity; but nothing herein shall be deemed to affect the rights of purchasers or encumbrancers previous to that date. Duly certified copies of such judgment or decree, or of the record thereof, may be read in evidence, with like effect as copies of a judgment or decree duly and regularly obtained and recorded and entered.

Recorded judgment or decree as notice, despite defects.

Certified copies as evidence.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 24, 1943.

CHAPTER 84

An Act to Amend Chapter 15 of the Civil Code of the Revised Codes of Montana of 1935, Relating to Directors of Corporations, by Adding Thereto a Section to Be Numbered 5942.2, Providing Indemnification for Directors and Officers, and Their Representatives, of Montana Corporations Against Claims, Liabilities and Expenses Incurred in Connection With Actions or Suits to Which They Are Made Parties by Reason of Being Such Officers and Directors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 15 of the Civil Code of the Revised Codes of Montana of 1935, be, and the same is hereby amended by adding thereto a section to be numbered 5942.2, and to read as follows:

"Section 5942.2. *Indemnification of Directors and Officers for Liabilities and Expenses Incurred by Them in Connection With the Defense of Certain Suits. Each director or officer, and their personal representatives, of a corporation created under the laws of this state shall be indemnified by the corporation against claims, liabilities, expenses, and costs actually and necessarily incurred by him or his estate in connection with, or arising out of, any action, suit or proceeding in which he is made a party by reason of his being, or having been, an officer or director*

Indemnification of directors and officers for liabilities and expenses in connection with the defense of certain suits.

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of such corporation, or of any other company fifty per centum (50%) or more of the voting stock of which is owned by such corporation and which he serves as a director or officer at the request of such corporation; provided that such corporation shall not indemnify such director or officer with respect to any matters as to which he shall be finally adjudged in such action, suit or proceeding to have been liable for actual negligence or misconduct in the performance of his duties as such director or officer. The indemnification herein provided for shall also apply in respect of any amount paid in compromise of any such claim asserted against such director or officer (including expenses and costs actually and necessarily incurred in connection therewith), provided the board of directors of the corporation shall have first approved such proposed compromise settlement and determined that the director or officer involved was not guilty of actual negligence or misconduct; but in taking such action any director involved shall not be qualified to vote thereon, and if for this reason a quorum of the board cannot be obtained to vote on such matter it shall be determined by a majority of the disinterested members of the board, whether or not a quorum, or such matter may be determined by a committee of three (3) disinterested stockholders appointed by the stockholders at a duly called special or regular meeting. As to whether or not a director or officer was guilty of actual negligence or misconduct in relation to any such matters the board of directors of such corporation and each director and officer thereof may conclusively rely upon an opinion of independent legal counsel selected by the board of directors or by the disinterested members of the board, or by said stockholders' committee, as the case may be."

Proviso.

In case of compromise of asserted claim.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 24, 1943.

CHAPTER 85

An Act to Amend Section 1021 of the Revised Codes of Montana, 1935, Providing for a Method of Changing

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the Classification of School Districts to Conform With the Change in Population.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1021, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1021. All districts having a population of eight thousand (8000) or more shall be districts of the first class. All districts having a population of one thousand (1000) or more, and less than eight thousand (8,000) shall be districts of the second class, and all districts having a population of less than one thousand (1,000) shall be districts of the third class. In districts of the first class the number of trustees shall be seven (7); in districts of the second class the number of trustees shall be five (5), and in districts of the third class the number of trustees shall be three(3). Classification of districts.

"Whenever the population of any school district shall increase beyond or decrease below the number required as specified above for a certain class of school district as determined by the federal census next preceding, the county superintendent of schools shall declare such school district to be changed to the proper class. The county superintendent of schools shall take the necessary steps to provide that at the next school election to elect the proper number of school trustees as designated above and to fill all vacancies due to any change of classification. Provided however that the provisions of this act shall not affect the terms of trustees heretofor elected." Changes to conform to changes in population.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 24, 1943.

CHAPTER 86

An Act Prohibiting the Manufacture, Possession, Display, or Sale of Fireworks for the Duration of the Present World War and Six (6) Months Thereafter, and Authorizing the State Fire Marshal to Permit Pyrotechnic Displays; Defining the Word "Fireworks".

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Be it enacted by the Legislative Assembly of the State of Montana:

Manufacture, sale of fireworks made unlawful.

Section 1. It shall be unlawful for any person to manufacture, display or sell fireworks as defined in this act for the duration of the present world war and six (6) months thereafter.

Use or discharge unlawful, except in certain cases.

Section 2. It shall be unlawful for any person or persons to use or discharge fireworks defined in this act during the present world war and six (6) months thereafter except that pyrotechnic displays may be authorized by the state fire marshal. However, the state fire marshal shall investigate any and all such requests and shall only permit such displays when he feels it to be a safe and sane procedure.

"Fireworks" defined.

Section 3. **Definition.** The term "fireworks" as used in this act refers to roman candles, fire crackers, rockets, torpedoes, toy pistols, toy cannon, detonating canes, blank cartridges and other devices designed and intended for pyrotechnic display.

Penalty.

Section 4. Any person violating this act shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the county jail for a period not exceeding thirty (30) days, or both such fine and imprisonment.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1943.

CHAPTER 87

An Act to Amend Section 4874 of the Revised Codes of Montana of 1935, and Section 4880 of Said Codes as Amended by Chapter 97 of the Laws of the Twenty-sixth Legislative Assembly of 1939, Relating to the Number and Salaries of Deputy and Assistant County Officials and Vesting Discretion in Board of County Commissioners to Fix and Determine the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 4874 of the Revised Codes of the State of Montana of 1935, be, and the same is hereby, amended to read as follows:

"4874. **Number and Salaries of Deputies and Assistants to be Fixed by Commissioners.** That the board of county commissioners in the several counties in the state shall have the power to fix the compensation allowed any deputy or assistant *mentioned in the preceding section;* provided, the salary of no deputy or assistant shall be more than *ninety* per cent *(90%)* of the salary of the officer under whom such deputy or assistant is serving, unless otherwise provided by law; where any deputy or assistant is employed for a period of less than one year the compensation of such deputy or assistant shall be for the time so employed; provided, the rate of such compensation shall not be in excess of the rates now provided by law for similar deputies and assistants; said boards of county commissioners shall likewise have the power to fix and determine the number of deputy county officers and allow to *the* several county officers a greater or less number of deputies or assistants, than the maximum number allowed by law, when in the judgment of the board of county commissioners such greater or less number of deputies is or is not needed for the faithful and prompt discharge of the duties of any county office."

Number and salaries of deputies and assistants to be fixed by Commissioners.

Section 2. That Section 4880 of the Revised Codes of Montana of 1935, be, and the same is hereby, amended to read as follows:

"Section 4880. The whole number of deputies allowed the county treasurer must not exceed in counties of the first class, two; in counties of all other classes, one; provided, that the board of county commissioners may allow such additional deputies as may be necessary during the months of November and December of each year. In counties of the first, second and third classes, assessors may be allowed one deputy, and during the months of March, April, May, June, July and August, not to exceed two additional deputies; in counties of all other classes assessors may be allowed one deputy during the months of March, April, May, June and July, *provided that, under section one (1) hereof, the commissioners may allow the assessor in any class county a deputy for the month of January, if found to be necessary for the assessment of motor vehicles.* The

Limitations upon number of deputies.

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whole number of deputies allowed to county auditors in counties of the first, second and third classes must not exceed one. The whole number of deputies allowed the county attorney in counties of the first and second classes must not exceed one chief deputy, and one deputy; and in all other counties such deputies as may be allowed by the board of county commissioners, not to exceed one chief deputy and one deputy."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1943.

CHAPTER 88

An Act to Amend Section 1755.2 of the Revised Codes of Montana of 1935, Relating to the Surrender of Prior Registration Receipt Upon Registering Motor Vehicles and to Amend Section 1756 of the Revised Codes of Montana of 1935, Relating to the Furnishing of Blank Forms and to Amend Section 1757 as Amended by Chapter 6 of the Laws of 1941, Relating to the Issuance of Number Plates and to Amend Section 1763 of the Revised Codes of Montana of 1935, Defining Terms Used in the Motor Registration Act, and Repealing Section 1763.1 of the Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1755.2 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Previous registration receipt to accompany application for registration.

"1755.2. **Previous Registration Receipt to Accompany Application for Registration.** The treasurer of any county shall not accept any application for registration or re-registration of any motor vehicle unless such application be accompanied by the *immediately* previous registration receipt issued by the registrar of motor vehicles, *or an affidavit upon a form prescribed by the registrar, stating under oath that the vehicle had not been operated on the*

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highways of the State of Montana during the immediately previous year, except in cases of automobiles not previously licensed in Montana. Provided that no application for registration or re-registration of any motor vehicle hereafter need be verified."

Section 2. That Section 1756 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"1756. **Blanks to Be Provided.** It shall be the duty of the registrar of motor vehicles to provide blank application forms outlining and providing for the information needed in each class of registration required, and to furnish these upon request to applicant for registration."

Blanks to be provided.

Section 3. That Section 1757 of the Revised Codes of Montana of 1935 as amended by Chapter 6 of the laws of 1941, be, and the same is hereby amended to read as follows:

"1757. **Number Plates.** Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the registrar of motor vehicles. Such number plate shall be in five series: One series for owners of motor cars, one for owners of motor vehicles, of the motor-cycle type, one for dealers in each of the two types of vehicles above named, and one for trucks. All number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the state. In the case of motor cars, number plates shall be of metal at least five inches wide and not less than thirteen inches in length, and the word "Montana" with the year shall be placed across the bottom of the plate. The background of the plate shall be of a distinctive color each year, which color shall be designated by the registrar of motor vehicles. The distinctive registration numbers shall begin with number 1 and be numbered consecutively for each series of plates. The distinctive registration number assigned to the vehicle and the numeral or symbol for the county in which the number plate is issued shall appear on the plate. The dimensions of such numerals and the manner of placing the same on said number plates shall be determined by the registrar of motor vehicles. For the use of dealers the number plates shall be essen-

Number plates.

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tially as those for motor cars and motor-cycles, except that to the left of the serial number the plate shall contain the letter "D", such letter to be the same height and size as the figures composing the serial number.

"For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates shall have thereon the following distinctive markings:

Markings on plates for tax-exempt motor vehicles.

"For vehicles owned by the state, counties, municipalities, and school districts and used and operated by officials and employees thereof in line of duty as such, there shall be placed on the number plates assigned thereto, in such position thereon as the registrar may designate, the letter "X", provided, however, that on all such plates assigned to motor vehicles of the state highway, the letter "H" shall appear before the letter "X", and on number plates assigned to motor vehicles of the state highway patrol, the letter "P" shall appear before the letter "X". Such letters shall be of the same height and size as the figures composing the serial number. The distinctive registration numbers for plates assigned to the state highway shall begin with number 1 and be numbered consecutively, and numbers for plates assigned to the state highway patrol shall begin with number 121 and be numbered consecutively. Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each of said counties shall begin with number 1 and be numbered consecutively.

For trucks and trailers.

"On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and trailers, there shall appear the letter "T" for plates assigned to trucks and the letters "TR" for plates assigned to trailers.

Use limited to specific vehicle.

"Number plates assigned to any motor vehicle, including tax-exempt motor vehicles, shall be used only on the specific motor vehicle to which originally assigned.

Emergency provision.

"Provided, however, that during the existent emergency, the state board of examiners and the registrar of motor vehicles, shall have the power and authority to designate distinctive insignia or identification markers without regard to the herein requirements.

"For the purpose of this act, the several counties of

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the state shall be assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56; any new counties shall be assigned numbers by the registrar of motor vehicles as they may be formed, beginning with the number 57."

Numbers assigned to counties.

Section 4. That Section 1763 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"1763. **Definitions.** *The words and phrases used in this act shall be construed as follows, unless the context may otherwise require:*

Definitions.

a. The words 'motor vehicle' shall include all vehicles which are self-propelled, except road rollers, traction engines and railroad cars, farm tractors, and motor cars run upon stationary rails or tracks.

"Motor Vehicle".

b. The term 'motor-cycle' shall mean a motor vehicle having not more than three (3) wheels in contact with the ground and a saddle on which the operator sits astride, or a platform on which he stands, and bicycles having a motor attachment thereto and a driving wheel in contact with the ground, in addition to the wheels of the vehicle itself, but a motor-cycle may carry one or more attachments and a seat for the conveyance of a passenger.

"Motor-cycle".

c. The term 'motor truck' shall include all motor vehicles designed or used for the transportation of commodities, merchandise, produce, freight or animals.

"Motor Truck".

d. The term 'trailer' shall include every vehicle without motive power, designated to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

"Trailer".

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"Semi-trailer". *e. The term 'semi-trailer' shall include every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.*

"Owner". *f. The term 'owner' shall include any person, firm, association or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under lease or otherwise, and shall also include a contract vendee.*

"Dealer". *g. The term 'dealer' shall include every person, firm or corporation engaged in the business of buying, selling, or exchanging motor vehicles in this state, whether at an established place of business in the state, or otherwise, but shall not include agents or salesmen of manufacturers or distributors selling motor vehicles to or establishing selling or distributing agencies therefore with dealers registered in this state or salesmen, mechanics, or demonstrators regularly employed by registered dealers in this state. Any such dealer may, at his option, engage in the purchase and sale of automobile accessories without the special license otherwise required of dealers in such accessories.*

"Vehicle". *h. The term 'vehicle' shall include any motor vehicle as herein defined.*

"Used motor vehicle". *i. The term 'used motor vehicle' shall include any motor vehicle which has been sold, bargained, exchanged, given away or title transferred from the person who first took title to it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as 'second-hand' within the ordinary meaning thereof.*

"Manufacturer". *j. The term 'manufacturer' shall include any person, firm, corporation or association engaged in the manufacture of any motor vehicles, trailers, or semi-trailers as a regular business."*

Repealing clause. Section 5. Repealing Section 1763.1 of the Revised Codes of Montana, 1935, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective date. Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1943.

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CHAPTER 89

An Act to Provide for the Retirement of Commissioned Officers of the National Guard of Montana; Prescribing the Grounds for Such Retirement; the Rank of Retired Officers; and Detail of Retired Officers to Active Duty.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. When a commissioned officer of the national guard of Montana shall have reached the age of sixty-four years, he shall be retired from active duty and placed on the retired list. Retirement of commissioned officers of National Guard.

Section 2. Any officer who has served as a commissioned officer for fifteen years in the military service of the state, may, upon his own application, in the discretion of the governor, be retired and placed upon the retired list. Service as a commissioned officer in the military or naval or military and naval service of the United States in time of war, not exceeding five years in all, shall be considered as state service in computing length of state service for the purposes of this section. Voluntary retirement.

Section 3. When a commissioned officer is incapacitated for active service by reason of physical disability, and such physical disability is certified by a medical officer of the United States army or the national guard of this state, or the national guard of another state or territory, who is duly recognized as such medical officer by the laws of the United States governing federal recognition of the national guard of the respective states and territories, after examining such officer as prescribed by the regulations of the national guard bureau of the United States, such officer shall be retired or discharged as the governor may determine. Physical disability.

Section 4. Whenever a commissioned officer is retired from active service in the national guard of this state, as above provided, he shall be placed on the retired list with an increase in rank of one or more grades above that held by him at the date of the retirement as the governor may direct, but in no case above the grade of major general. Increase in rank.

Section 5. The governor may detail, with their own consent, officers of the retired list to active duty and return

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them to the retired list in his discretion. Officers retired for age or physical disability shall not be detailed to command troops, but only to perform duties of staff corps or departments, or to sit on boards, except that in time of war or other emergency, or imminent danger thereof, such retired officers may be detailed by the governor to perform any military duty designated by him.

Detail to active duty.

Section 6. This act shall not provide for, nor form the basis of any pay, compensation, pension, or other emolument of any kind or character to officers so placed upon the retired list, except that when such officers shall be detailed by the governor to perform duties as provided in Section 5, they shall be entitled to the same pay and allowance as officers of like grade on the active list while performing such duties.

Pay while on retired list.

Section 7. This act shall be retroactive so as to apply to officers of the national guard of Montana who have been heretofore discharged by reason of age or incapacity due to physical disability as above provided and such officers shall be placed on the retired list as provided by this act.

Act is retroactive.

Approved February 25, 1943.

CHAPTER 90

An Act to Amend Section 1882.1 of the Revised Codes of Montana of 1935, Relating to State Oil and Gas Leases, the Terms and Conditions Thereof, Reservations Therein, Waste, and the Royalty Interest of Purchasers of Mortgage Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1882.1 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"1882.1. **State Oil and Gas Leases—Reservations—Royalty—Waste.** The state board of land commissioners is hereby authorized and empowered to lease in such manner as it may determine, not inconsistent with the enabling act and the constitution, any state lands to which the

State oil and gas leases.

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title has vested in the state and in which the oil and gas rights are not reserved by the United States, for prospecting and exploring for oil and gas, mining, drilling, developing, and removing the same upon the terms and conditions herein prescribed, to any person, association, corporation, domestic or foreign, or municipality qualified under the constitution and the laws of the State of Montana. This power and authority to lease state lands for such purposes shall extend to and include all lands owned by the state under navigable lakes and streams, and shall also extend to and include all those state lands which have been sold but in which the oil and gas rights have been reserved by the State of Montana; but in such cases and in all cases where the lands are under lease for grazing, agriculture or similar purposes, care shall be taken in issuing the oil and gas leases to protect the rights of the purchaser or lessee.

"In every oil and gas lease granted pursuant to the terms hereof there shall be reserved unto the State of Montana the right to sell, lease, or otherwise dispose of the surface of the lands covered thereby, subject always to the rights and privileges granted unto the lessee under such oil and gas lease.

Rights reserved.

"In the case of mortgage lands sold by the state *on or subsequent to March 14, 1935, or hereafter sold by it,* in which the oil and gas rights belong to and are reserved by and for the state, when the state leases such lands for oil and gas purposes, the holder of such lands under certificate of purchase or other contract, or deed from the state, shall be allowed a royalty of *six and one-quarter percentum (6¼%)* of the oil and gas produced from such lands, *as provided by Section 1805.65 of this code,* to be calculated on the same basis as the royalty to be paid to the state as hereinafter provided, and to be paid by the lessee directly to the person or persons entitled thereto, said *six and one-quarter percentum (6¼%)* royalty to be deducted from the royalty reserved to the state.

Royalty in case of sale of mortgage lands.

"Oil and gas leases issued under the provisions of this act shall all be subject to the conditions that the lessee in conducting his explorations and mining or drilling operations shall use all reasonable precautions to prevent waste of oil or gas developed in the land or the entrance of water through wells drilled by him to the oil or gas sands

Conditions of lease.

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or oil or gas bearing strata to the destruction or injury of the oil or gas deposits. Violations of any of these conditions shall constitute grounds for the forfeiture of the lease after hearing had thereon before the state board of land commissioners."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved February 25, 1943.

CHAPTER 91

An Act to Amend Section 1882.2 of the Revised Codes of Montana of 1935, as Amended by Chapter 109 of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana, Relating to State Oil and Gas Leases, the Area to Be Leased, Limitations, Term of Leases, and Agreements for the Pooling of Acreage With Others for Unit Operations for the Production of Gas.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1882.2 of the Revised Codes of Montana of 1935, as amended by Chapter 109 of the laws of the twenty-seventh legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Area to be leased.

"1882.2. **Area to Be Leased—Limitations—Term of Leases—Operating Agreements.** No oil or gas lease issued on state lands shall embrace more than six hundred forty (640) acres, except, however, that any section which as surveyed by the government of the United States contains more than six hundred forty (640) acres may be included under one lease. Any person, association, corporation, or municipality qualified to hold an oil or gas lease on state lands may receive from the state board of land commissioners or take through assignment, or succession, will, judgment, decree, or otherwise through the operation of law, more than one oil and gas lease to state lands, sub-

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ject, however to such regulations and limitations as the state board of land commissioners may prescribe, both as to the number of such leases and otherwise. Limitations.

"All leases issued hereunder shall be granted for a period not exceeding ten (10) years and as long thereafter during the term of twenty (20) years commencing with the date of such lease or leases, as oil or gas of commercial quality and in commercial quantity shall be produced from the land covered thereby; provided, however, that all drilling, rental and other obligations are fully kept and performed by the lessee. Term of leases.

"All holders of state oil and gas leases may enter into agreements with other persons, associations, firms and corporations for drilling and other operations on the state lands under their leases; but no such operating agreements shall in any way be binding upon the state until filed with the secretary of the state board of land commissioners and approved by the board; and no such drilling or operating agreement shall in any way affect the obligations of each individual lease holder to the state. Operating agreements.

"Nothing herein contained, or in Chapter 108 of the Session Laws of the State of Montana, 1927 (Sections 1882.1 to 1882.24), or elsewhere, shall prevent or be so construed as to prevent the state board of land commissioners from entering into agreements for the pooling of acreage with others for unit operations for the production of gas and the apportionment of gas royalties on an acreage or other equitable basis, and from modifying existing leases and leases hereafter entered into with respect to delay rentals, delay drilling penalties and royalties in accordance with such pooling agreements and such unit plans of operation; provided, however, that such agreements shall not change the percentages of royalties to be paid to the state from the percentages as fixed in its leases. State may enter into agreements for pooling of acreage.

"The state board of land commissioners is hereby authorized to extend the term of oil and gas leases issued prior to the date when this act takes effect, and where oil or gas of commercial quality and in commercial quantity is produced from the land covered thereby, from a term of fifteen (15) years commencing with the date of such lease or leases to the term of twenty (20) years commencing with the date of such lease or leases. *Gas of commercial quality and in commercial quantity produced from any* Extension of term of existing leases and pooling agreements.

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part of a unit in which state lands are included by virtue of a pooling agreement, shall be deemed to be produced from the state lands therein, within the meaning of this provision, and the term of the oil and gas lease or leases covering such lands, and of the pooling agreement covering the same, may be extended as hereinabove provided.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1943.

CHAPTER 92

An Act Relating to the Floating Indebtedness of County Poor Funds Outstanding at the Close of Business on June 30, 1943; Providing for Levying Special Taxes to Pay the Same; and Prohibiting the Making of Grants in Aid to Counties Under the Provisions of Part II of Chapter 82, Session Laws 1937, as Amended, When Such Counties Were on June 30, 1943, Owing Any Amount or Amounts to the State Department of Public Welfare on Account of Reimbursements, if Such Counties Fail to Take Advantage of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Floating indebtedness of poor fund.

Section 1. The board of county commissioners of any county having, at the close of business on the 30th day of June, 1943, a floating indebtedness consisting of valid outstanding warrants drawn and issued against its poor fund, or valid and subsisting debts and liabilities, including any amount or amounts owing to the state public welfare department, or to any of its funds, by way of reimbursement, payable out of such poor fund but for which warrants have not been issued, or consisting of both such warrants and debts and liabilities, and being without sufficient money in such poor fund with which to pay the same and leave a balance therein sufficient to meet the expenditures which will be required to be made therefrom during the period July 1, 1943 to October 31, 1943,

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may provide for the payment of such floating indebtedness, or so much thereof as cannot be paid from the money in such poor fund and leave such required balance, by making special levies for and during either or both of the fiscal years July 1, 1943 to June 30, 1944, and July 1, 1944 to June 30, 1945, as hereinafter provided.

Special levies for payment of floating indebtedness of county poor funds outstanding.

Section 2. The board of county commissioners of any county desiring to take advantage of the provisions of this act shall, at the regular meeting of the board in July, 1943, adopt a resolution, which shall set forth the following as of the close of business on June 30, 1943: (a) the amount of such outstanding poor fund warrants; (b) the amount of all debts and liabilities for which warrants have not been issued, excluding any amount or amounts due to the state public welfare board or any of its funds; (c) the amount or amounts due to the state public welfare board or any of its funds; (d) the amount of money in the poor fund; (e) an estimate of the amount necessary to meet expenditures which will be required to be made from the poor fund during the period July 1 to October 31, 1943; (f) the excess, if any, of the amount of money in the poor fund over the amount of such estimated required expenditures, and which excess can be applied in payment of such floating indebtedness; (g) the amount of such floating indebtedness which cannot be paid out of moneys in the poor fund and leave a balance therein sufficient to meet such estimated required expenditures and to the payment of which amount the proceeds of the special tax herein authorized to be made shall be applied.

Resolution, contents of.

Section 3. If it shall appear from said resolution that there is any amount of money in the poor fund in excess of the amount required for such estimated expenditures, then such excess shall be applied in payment of such floating indebtedness, provided, that if the resolution shall show that the county is owing any amount or amounts to the state public welfare department for reimbursements, then any such excess, or so much thereof as may be necessary, shall be applied in payment of such amount or amounts owing to such state public welfare department.

Excess in poor fund, how applied.

Section 4. The board of county commissioners of any such county, after the adoption of such resolution shall have the power and authority to make a special tax levy of not exceeding one (1) mill for the fiscal year July 1,

Amount of special levy.

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1943 to June 30, 1944, for the purpose of paying such floating indebtedness, with interest thereon, and if the proceeds of such levy are not sufficient for such purpose, then to make a levy of not exceeding one (1) mill for the fiscal year July 1, 1944 to June 30, 1945, for such purpose, such levies to be made at the time other tax levies are made and fixed by the board. The proceeds of such special tax levy or levies shall be by the county treasurer deposited in a special fund to be designated "poor fund debt reduction fund" and shall not be used for any purpose whatever except for payment of the principal and interest of such floating indebtedness as set out in said resolution, provided, that if said resolution shall show any amount or amounts owing to the state public welfare department or to any of its funds, the proceeds of such levy or levies shall first be applied to the payment thereof, and any remaining amount of such proceeds shall then be applied to the payment of such other floating indebtedness; and provided, further, that if, after all of such floating indebtedness, with interest thereon, has been fully paid, any amount remains in such special fund then such amount, with any amounts coming into said fund thereafter from payment of delinquent or protested taxes, shall be transferred to the poor fund of the county.

Disposition of proceeds.

Grant in aid denied to counties failing to avail themselves of this Act.

Section 5. No county which may take advantage of the provisions of this act, and which fails to do so, and which shall be owing any amount or amounts to the state public welfare department or any of its funds by way of reimbursement, and which amount or amounts, or some part thereof, could have been paid by such county taking advantage of this act and making a levy or levies as herein provided, shall receive from the state public welfare department any grant in aid in accordance with or under the provisions of Part II of Chapter 82, Session Laws 1937, as amended, so long as any part of any such amount or amounts, shall remain unpaid.

Effective date.

Section 6. This act shall be in full force and effect on and after its passage and approval.

Approved February 25, 1943.

CHAPTER 93

An Act to Amend Section 5039.6 of the Revised Codes of

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Montana of 1935, Relating to Lighting and Cleaning Streets, Regulation of Sidewalks, and Removal of Offensive Material From Public Ways and Grounds or Any Premises, and Tax Levy for Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5039.6 of the Revised Codes of Montana, be, and the same is hereby amended to read as follows:

"5039.6. **Lighting and Cleaning Streets—Regulation of Sidewalks—Removal of Offensive Material from Public Ways and Grounds—Tax Levy.** The city or town council has power: To provide for lighting and cleaning the streets, alleys, and avenues; to regulate the use of sidewalks, and to require the owners of the premises adjoining to keep the same free from snow or other obstruction; to regulate the disposition and removal of ashes, garbage, or other offensive matter in any street, alley, or on public grounds or on any premises, and to provide for levying the cost of such removal as a special tax against the property from which such matter was deposited, *and may further, until full liquidation is realized, include in such tax an amount not to exceed twenty per centum (20%) of any floating indebtedness, consisting of valid outstanding warrants drawn and issued against the fund, or funds, used to defray the expense of removing such matter, existing at the close of business on the 30th day of June, 1943, together with not to exceed such per centum of the current interest thereon from such last mentioned date, which moneys derived from such portion of such levy and assessment for such additional amount, if included in such tax, may only be expended towards liquidating such floating indebtedness, together with the interest thereon, and not otherwise.*"

Lighting and cleaning streets.

Regulation of sidewalks.

Removal of offensive matter from public ways and grounds.

Tax levy.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1943.

CHAPTER 94

An Act Providing for the Creation of Areas for the In-

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spection, Control, Treatment, Prevention, and Eradication of Diseases of Livestock and Providing Methods for the Establishment of Such Areas, and providing Authority to Reimburse Owners of Livestock Slaughtered by Order of the Montana Livestock Sanitary Board, and Providing Penalties for Violation of Regulations Governing the Establishment of such Areas and the Handling of Livestock Within or Into Such Areas.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Upon receipt of a petition signed by not less than seventy-five per cent (75%) of the livestock owners of the species of animals to be inspected, tested, treated, or vaccinated, and representing not less than fifty per cent (50%) of such species in any township, as determined by government survey, of any county in the State of Montana, petitioning for the area control, treatment, prevention, or eradication of any dangerous disease of livestock within such township, the Montana livestock sanitary board is authorized and empowered to establish such township as a disease-control area and to enforce the inspection, test, treatment, or vaccination of all livestock of the species designated within such township in accordance with the rules and regulations promulgated by the Montana livestock sanitary board for the inspection, eradication, treatment, or vaccination of such livestock and to reimburse the owners of livestock slaughtered by order of the Montana livestock sanitary board or its authorized agent in accordance with the laws of Montana governing the payment of such animal or animals.

Establishment of livestock disease-control area.

Provided that in any circumscribed disease-control area as established under this act, by the Montana livestock sanitary board, no other livestock of the species designated by the Montana livestock sanitary board to be inspected, tested, treated, or vaccinated, shall enter the disease-control area unless inspected, tested, treated, or vaccinated under the direction of the Montana livestock sanitary board or are accompanied by a satisfactory health certificate or except under special permit and restrictions provided by the Montana livestock sanitary board.

Entry of other livestock into disease-control area.

Provided further that when seventy-five per cent (75%) or more of the townships in any county in Montana are established under this act by the Montana live-

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stock sanitary board as disease-control area, it becomes mandatory on the part of the remaining livestock owners in such county to submit their livestock of one or more species for inspection, test, treatment, or vaccination, as directed by the Montana livestock sanitary board.

Compulsory inspection in entire county, when.

Section 2. The assessment roll of the county in which the disease-control area is to be established shall be the basis for computing the required percentage of livestock owners and livestock, and the county assessor of the county shall certify to the Montana livestock sanitary board at Helena, when the necessary seventy-five per cent (75%) of the owners of livestock representing not less than fifty per cent (50%) of the species of livestock to be inspected, tested, treated, or vaccinated have signed the required petition.

Duty of county assessor.

Section 3. Any person in a disease-control area who does not gather his livestock after being notified by the Montana livestock sanitary board or its agent, to have such livestock available or refuses to have such livestock inspected, tested, treated, or vaccinated or violates any of the provisions of this act, shall be guilty of a misdemeanor.

Owner guilty of misdemeanor.

Section 4. It is expressly provided that it is the intention of this legislative assembly that the enactment of this act does not repeal or amend any of the now existing statutes relating to the establishment of disease-control areas or the inspection, test, treatment, vaccination, or quarantine of livestock, but is intended as additional legislation for the establishment of disease-control areas and the prevention and control of diseases of livestock.

Act intended as additional legislation.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1943.

CHAPTER 95

An Act to Amend Section 3704 of the Revised Codes of Montana, 1935, Relating to the Open and Closed Season for Fur-bearing Animals.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 3704 of the Revised Codes of Montana 1935, be, and the same is amended to read as follows:

Closed season on certain fur-bearing animals.

"3704. Any person who between the fifteenth (15th) day of April of any year and the *fifteenth (15th) day of November* of the same year, shoots, traps, kills or captures, or causes to be shot, trapped, killed or captured, or attempts to shoot, trap, kill or capture any marten or sable, otter, fox, mink, muskrat, raccoon or fisher, shall

Penalty.

be guilty of a misdemeanor, and upon conviction thereof shall be punished as in this act hereinafter provided. Provided, however, that when it is shown that muskrats are doing severe injury upon, or are a menace to the structures, canal banks or other works of an irrigation project or district, any resident landowner on such project or

Permit to kill muskrats authorized.

district may kill or trap or cause to be killed or trapped any muskrat upon or in menacing proximity to the structures, canal banks or other works of such project or district during the closed season on muskrats, after having secured from the state fish and game warden a permit so to do, except that from June first (1st) to August thirty-first (31st), both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time.

"It shall be unlawful and a misdemeanor, punishable as in this act hereinafter provided, for any person to

No open season on certain fur-bearing animals.

shoot, trap, kill or capture, or cause to be shot, trapped, killed or captured, or to attempt to shoot, trap, kill or capture any otter, raccoon marten or sable, until such time as the commission shall provide an open season on marten or sable, otter, or raccoon, and any person violating any of the provisions hereof shall be guilty of a mis-

Penalty.

demeanor and upon conviction thereof shall be punished as in this act hereinafter provided.

Destruction of house of muskrat or beaver.

"It shall be unlawful and punishable as in this act hereinafter provided, for any person at any time to wilfully destroy, open or leave open, or partially destroy, the house of any muskrat or beaver.

Open season limited.

"The open season on fur-bearing animals shall begin on *November fifteenth (15th)* of each year and end on April fifteenth (15th) of the following year, both dates inclusive."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 25, 1943.

CHAPTER 96

An Act to Amend Section 3696.4 of the Revised Codes of Montana, 1935, Relating to the Open Season for Elk in Park County and Authorizing the Fish and Game Commission to Shorten the Season.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696.4 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"3696.4 **Open Season for Elk in Park County—Authority of Fish and Game Commission to Shorten.** That the open season for elk in Park County, Montana, shall begin October 15th and end March 1st, both dates inclusive; provided, however, that the Montana state fish and game commission shall, in its discretion have power to shorten such season in said territory and declare said territory closed to the hunting or killing of elk at any time during the open season therein upon giving no less than *three* days' notice thereof, by publishing such notice in at least one newspaper of general circulation, circulated in said county, which said publication shall be at least *three* days prior to the time fixed by such commission for the closing of such season. *In addition to publishing notice, announcement shall also be given over the radio and notices shall be posted on the Gardiner and Jardine roads in at least four places where they are plainly visible to all travelers.*" Open season for elk in Park County. Authority of Fish and Game Commission to shorten.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 25, 1943.

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CHAPTER 97

An Act to Authorize, in Certain Instances, the Boards of County Commissioners to Levy an Additional Tax of Not to Exceed Four (4) Mills for the County Poor Funds for the Fiscal Years Commencing With July 1, 1943 and Ending June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

County Commissioners authorized to make additional levy for county poor fund.

Section 1. Whenever the board of county commissioners of counties coming within the provisions of this act find that the total amount that may be derived from all other sources will be inadequate to provide the revenue necessary to meet the appropriations for expenditures to be set forth in the poor fund section of the county budget, such county commissioners shall have the power and the authority to levy not to exceed four (4) mills, or so much thereof as may be necessary to meet such expenditures, as an additional levy for the county poor fund after receiving a certificate authorizing them so to do, issued by the state board of equalization as in this act provided.

Act available in certain counties only.

Section 2. The provisions of this act shall be available only in counties with a taxable valuation of less than seven hundred dollars ($700.00) per capita. The taxable valuation per capita shall be determined for the purposes of this act by dividing the taxable valuation of the county, on which taxes were levied on the assessment roll made and compiled in such county in the year 1942, by the population as reported in the 1940 census, less Indians, shall be used.

Procedure.

Section 3. On or before the second Monday in July, the board of county commissioners of any county desiring to avail themselves of the provision of this act shall submit a certified copy of their county poor fund budget to the state examiner and a like certified copy of such budget to the state department of public welfare. The state examiner shall examine such budget and if it is found by the state examiner that such budget is in compliance with the laws of this state and the rules and regulations of such examiner's office, he shall so certify and transmit such certified copy of the budget, together with his certificate thereon, to the state board of equalization. The state department of public welfare shall examine such budget

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and if it finds the expenditures and revenue of the previous year are correct and the estimated expenditures and revenues for the current year are approximately correct, then such department shall transmit such copy, together with its certificate, to the state board of equalization.

Section 4. The state board of equalization shall, on receipt of the certified copies of such county poor fund budget containing certificates as provided in Section 3 hereof, shall examine such documents and if such board finds that a levy as authorized in Section 1, or any part thereof, in addition to all other poor fund revenues is necessary, the said board shall certify the amount of the levy to be made by the county commissioners of such county and transmit such certificate to such board of county commissioners who shall thereupon be authorized to make such levy as is authorized.

Certificate by State Board of Equalization.

Section 5. This act shall be in full force and effect from the first day of July, 1943, to the 30th day of June, 1945, and not thereafter.

Effective date.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1943.

CHAPTER 98

An Act Relating to the Floating Indebtedness of Counties Outstanding at the Close of Business on the Fifteenth Day of February, 1943, and Providing for the Levying of Special Taxes to Pay Such Indebtedness When the Same Exceeds a Certain Amount.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The board of county commissioners of each county having, at the close of business on the 15th day of February, 1943, a floating indebtedness in excess of two-fifths (2/5) of one (1) per cent of the taxable valuation of the county for the fiscal year July 1, 1942, to June 30, 1943, consisting of valid and subsisting outstanding warrants drawn against any fund or funds, and being without sufficient money in any such fund or funds with

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which to pay the same, and leave a balance or balances sufficient to meet the expenditures from such fund or funds necessary to be made therefrom during the fiscal year ending June 30, 1943, may provide for the payment of such floating indebtedness, or so much thereof as is in excess of the money in such fund or funds available for the payment thereof, by levying a special tax or taxes sufficient to pay such floating indebtedness with the interest thereon; provided, however, that the board of county commissioners may levy a special tax or taxes during the fiscal year commencing July 1, 1943, in an amount sufficient to pay the whole of such floating indebtedness, with the interest thereon, during such fiscal year, or such board of county commissioners may levy in each year, beginning with the fiscal year commencing July 1, 1943, a special tax or taxes in an amount sufficient to pay at least twenty (20) per centum of such floating indebtedness with interest thereon in each fiscal year, but such special taxes must be levied in such amounts as will be sufficient to fully pay the whole of such floating indebtedness with the interest thereon before the 1st day of July, 1947.

Commissioners of certain counties may levy special tax to pay floating indebtedness.

The proceeds of every such special tax levy shall be by the county treasurer deposited in a special fund to be designated "debt reduction fund", and shall not be used for any purpose whatever except for payment of the principal and interest of such floating indebtedness incurred prior to and outstanding on February 15, 1943; provided, that after the principal and interest of such floating indebtedness has been fully paid, any amount remaining in such special fund, or afterwards coming into the same from protested or delinquent taxes, may be transferred to the general fund of the county, or to such other county fund as the board of county commissioners may order.

"Debt reduction fund".

Section 2. The board of county commissioners having any such floating indebtedness, and desiring to take advantage of the provisions of this act, must, not later than the 15th day of March, 1943, adopt a resolution stating that it is the intention of the board of county commissioners of such county to provide for the payment of registered warrants outstanding at the close of business on February 15th, 1943, and the amount of such warrants issued and outstanding against each fund and which are to be paid. Said board shall, in its budget for the fiscal

Procedure for taking advantage of Act.

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year commencing July 1, 1943, and in its annual budget each year thereafter, make an appropriation sufficient to pay the amount of such warrants as provided by such resolution, with the interest which will be due on such amount, and at the time of fixing tax levies for county purposes said board shall annually fix a special levy of such number of mills as may be necessary to raise such amount with such interest, until such warrants with the interest thereon are fully paid.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 25, 1943.

CHAPTER 99

An Act Providing a Method of Registration for Voting by Members of the Land or Naval Forces of the United States, Including Members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Women's Army Auxiliary Corps, and Such Other Branches of the Land or Naval Forces as May be Organized Hereafter by the Government of the United States; and Further Providing a Like Method of Voting by Persons Engaged in the Actual Service of the American National Red Cross Association, or the United Service Organizations or Any Similar Organization Auxiliary to the Land and Naval Forces, Recognized by the Government of the United States; Prescribing the Duties of the County Clerk in Regard to the Printing, Distribution and Classification of Official War Registration Cards, Providing for the Penalty for Violations of the Provisions of This Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any elector of this state who is absent from the State of Montana and the county of which he or she is a resident by reason of his or her active service in the land or naval forces of the United States, including mem- Absent elector in military or related service entitled to register for voting.

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bers of the army nurse corps, the navy nurse corps, the women's navy reserve, the women's army auxiliary corps, and such other branches of the land or naval forces as may be organized hereafter by the government of the United States, or who is absent from the State of Montana and the county of which he or she is a resident by reason of his or her engaging in the actual service of the American national red cross association or the united service organizations or any similar organization auxiliary to the land and naval forces recognized by the government of the United States, shall be entitled to register for voting in the manner hereinafter provided as fully as if he or she were present at his or her place of residence.

Duty of County Clerk, registration cards.

Section 2. It shall be the duty of the county clerk of each county in this state to cause to be printed official war registration cards, four (4) by six (6) inches in size, on calendar stock other than white, to distinguish such cards from the registry cards provided for by Section 554 of the Revised Codes of Montana of 1935, which official war registration cards shall be substantially in the following form:

Form of registration card.

(Face)

OFFICIAL WAR REGISTRATION CARD

No..... County of....., State of Montana

....
Name Sex Date

....
Place of Birth Date of Birth Height Occupation

Residence: .....
(Give Montana address, street number, city or town)

Length of time in.....
State County City Town

.....
If naturalized, state when Where

.....
Place where last registered:

.....
Disability, if any

To be filled in by County Clerk:

....
Date Registered Date Cancelled

CERTIFICATE OF REGISTRANT

I, ... swear (or affirm) I am the elector whose name appears on the face of this card;

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the several statements thereon contained affecting my qualifications as an elector are true; I am actively engaged in the land (or naval) forces of the United States or an auxiliary to the land (or naval) forces recognized by the government of the United States; I am able to mark my ballot (or I am unable to mark my ballot by reason of the physical disability on this card specified), and I am not registered elsewhere within the State of Montana and claim no right to vote elsewhere than in the place on this card specified, so help me God.

Form of registration card.

.....

Certified to by:

.....

(To be signed by any commissioned officer.)

(Back)

CERTIFICATE OF LOST NATURALIZATION PAPERS.

I, ... swear (or affirm) I am the elector named on the face of this card; I am a naturalized citizen of the United States; my certificate of naturalization is lost or destroyed, or beyond my present reach, and I have no certified copy thereof; I came to the United States in the year .....; I was admitted to citizenship in the state (or territory) of..... county of....., by the.....court during the year....., I last saw my certificate of naturalization, or a certified copy thereof, at.....

.....

Certified to by:

.....

(To be signed by any commissioned officer.)

Section 3. Upon receipt of any application for an official war registration card by any elector hereinbefore mentioned in this act, it shall be the duty of the county clerk to send such elector by mail, postage prepaid, one official war registration card, which registration card shall be enclosed in an envelope bearing upon the front thereof —in clear black type—the words, "OFFICIAL WAR REGISTRATION CARD CONTAINED HEREIN."

Mailing registration card to applicant.

Section 4. It shall also be the duty of the county clerk

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to send by mail, postage prepaid, to any such elector hereinbefore mentioned in this act one (1) official war registration card, which registration card shall be enclosed in an envelope bearing upon the front thereof—in clear black type—the words, "OFFICIAL WAR REGISTRATION CARD CONTAINED HEREIN", provided the county clerk is furnished an affidavit or affidavits by at least two (2) registered electors of the county in which such elector hereinbefore mentioned in this act resides, setting forth the affiants are personally acquainted with such elector and are informed and have reason to believe such elector is engaged in the active service of the land or naval forces or the officially recognized organizations auxiliary thereto, and setting forth also the last known post office address of such elector; and provided further the county clerk shall not send such official war registration card as a result of such affidavit or affidavits, if he has previously sent such official war registration card to such elector hereinbefore mentioned in this act upon the application of such elector.

Prerequisites: Affidavits by at least two registered voters.

Section 5. Upon receipt by the county clerk of any official war registration card, properly filled out and duly signed and certified to as provided in this act, the county clerk shall classify such registry card according to the precinct in which the elector resides, and shall arrange the cards in each precinct in alphabetical order. The county clerk shall, upon receipt of any official war registration card, immediately enter upon the official register of the county in the proper precinct the full information given by said elector.

Classification of registration cards.

Section 6. The penalty provided for by Section 555 of the Revised Codes of Montana of 1935, as amended by Chapter 172 of the Session Laws of the Twenty-fifth Legislative Assembly, in the case of an elector residing within the county who registers, is hereby made applicable to violations of the provisions of this act.

Penalty applicable.

Section 7. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 26, 1943.

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CHAPTER 100

An Act Limiting the Time Within Which an Action May Be Commenced to Determine the Validity of a Tax Deed, and Declaring the Evidentiary Effect on Such Tax Deed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A tax deed duly recorded shall, after two (2) years from the date of (a) recording and (b) also taking possession by the grantee, or his successor in interest, of the land conveyed, be treated and regarded as conclusive evidence of the regularity of the proceedings resulting in the issuance of such tax deed, from the assessment to the execution of such deed, both inclusive, and no action can be maintained to annul or to set aside such tax deed, or assert a title hostile thereto other than that the deed is void because no taxes were delinquent on said lands, or because redemption had been made from such tax sale, unless the action is commenced within two (2) years from and after the recording of such tax deed, and the taking of possession by the grantee, or his successor in interest, of the property conveyed; provided that as to any such tax deed heretofore issued, which has been recorded and possession taken by the grantee or his successor in interest, no action can be maintained to set aside or annul the same or to assert a title hostile thereto, other than that the deed is void because no taxes were delinquent on said lands, or because redemption had been made from the tax sale, unless the action is commenced within two (2) years from and after the passage of this act.

Tax deed, conclusiveness in certain cases.

Limitation of action to annul.

The time herein fixed shall, if the acts of (a) recording and (b) taking possession by the grantee are on different dates run from the event last occurring, provided that both acts shall be essential to start the running of this statute of limitations.

Time fixed begins, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 26, 1943.

CHAPTER 101

An Act to Provide a Method of Voting at Any General

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Election Held Within the State of Montana by Duly Qualified and Registered Electors Absent From the State and Who Are Members of the Land or Naval Forces of the United States, Including Members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Women's Army Auxiliary Corps, and Such Other Branches of the Land or Naval Forces as May Be Organized Hereafter by the Government of the United States, and Further Providing a Like Method of Voting by Persons Engaged in the Actual Service of the American National Red Cross Association, or the United Service Organizations or Any Similar Organization Auxiliary to the Land and Naval Forces, Recognized by the Government of the United States; Prescribing the Duties of the County Clerk in the Respective Counties in the State; Prescribing the Duties of the Secretary of State in Connection Therewith; Prescribing the Duties of the State Board of Canvassers and the County Board of Canvassers; Providing for the Penalty for Violations of the Provisions of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Absent electors in military or related services of United States entitled to vote.

Section 1. Any qualified duly registered elector of this state, who is absent from the State of Montana and the county of which he is an elector on the date of holding any general election, and who is a member of the land or naval forces of the United States, including members of the army nurse corps, the navy nurse corps, the women's navy reserve, the women's army auxiliary corps, and such other branches of the land or naval forces as may be organized hereafter by the government of the United States, any qualified duly registered elector of this state, who is absent from the state and county of which he is an elector and who is engaged in the actual service of the American national red cross association, or the united service organizations or any similar organization auxiliary to the land or naval forces, recognized by the government of the United States, shall be entitled to vote as fully as if he were present at his place of residence in the manner hereinafter provided.

Section 2. Within thirty (30) days after the approval of this act, and each thirty (30) days following, and there-

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after not later than five (5) days after the general primary election held preceding the general election, and each ten (10) days thereafter until the general election, the county clerk of each and every county within the State of Montana shall make out and forward by registered mail to the secretary of the state a separate list of the names of all persons who are qualified registered electors known by him to be in the actual service of the army or navy of the State of Montana or of the United States of America or any of the organizations mentioned in Section 1 of this act, and also the names of all persons proven to him to be so engaged by the affidavit of two qualified electors residing within the county.

County Clerk to prepare and mail to Secretary of State list of such persons.

Section 3. It shall be the duty of the secretary of state to prepare and make a general register on cards by counties, in which shall be entered the names of the voters of this state absent from their respective counties in time of war in the actual military service of the State of Montana, or of the United States of America, or in the actual service of any of the organizations named in Section 1 of this act, from the lists of names so certified to the said secretary of state by the county clerks of the several counties of the State of Montana. Said cards in each county shall be arranged in alphabetical order of the names of the voters; and shall contain the name and residence and precinct of each such voter and the name of the county and city or town in which he resides, and so far as can be ascertained without prejudice to the military purposes of the federal government of the place or post of duty at which such elector is stationed.

General register to be prepared by Secretary of State.

Arrangement and contents of cards.

It is hereby made the duty of the secretary of state of the State of Montana to secure the necessary information to complete such general register from the appropriate naval and military authorities or from the most accessible source from which said information can be obtained. The secretary of state shall furnish proper blanks to the several county clerks for such purpose and such general register shall be a public record and shall at all reasonable times be open to inspection by any voter in this state.

Duty of Secretary of State to complete register.

It is hereby made the duty of every public officer and every citizen to furnish to the secretary of state such information as he may possess relating to such absent voter.

Duty of officers and citizens.

Section 4. It is hereby made the duty of the secretary

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Secretary of State to transmit to County Clerk names of persons in county entitled to be on ballot.

of state, immediately and within twenty four (24) hours after the canvass of the returns for state offices shall have been completed of any general primary election, to transmit by telegram to each of the several county clerks of the State of Montana the names of any and all candidates of each and every political party which may be entitled to be printed on the official ballot for the general election to be held within the State of Montana.

Official ballot to be used at general election.

Section 5. It is hereby made the duty of the county clerks of the several counties of the State of Montana to have prepared and printed the official ballot to be used at the general election not more than ten (10) days after the canvass and return of the general primary election and receipt by him from the secretary of state of the names of persons to be printed on the official ballots to be used in said general elections.

Number of absent voters shown on register to be reported to County Clerk.

Section 6. It is hereby made the duty of the secretary of state within ten (10) days after a general primary election, and every ten (10) days thereafter until the general election, to notify the county clerks of the several counties of the State of Montana, the number of absent voters as shown by the register in this act provided for, in each of the several counties. The county clerk of each county shall forward to the secretary of state one (1) official ballot for each of said persons so absent from the county in which he resides, and which said official ballot shall bear endorsed in the proper place as provided by law the stamp showing that said ballot is an official ballot and shall have stamped across the face thereof the words, "Ballot of absent voter engaged in War Service". The county clerk of each county shall not later than ten (10) days after he shall have been notified of the result of the general primary election held preceding the general election, and every ten (10) days thereafter until the general election, send to the secretary of state by registered mail, postage prepaid, one (1) official ballot, or if there be more than one (1) ballot to be voted by the elector of such county, one (1) of each kind, for each of said voters.

Ballot of absent voter engaged in war service.

Official envelopes.

Section 7. The county clerk of each county shall cause to be prepared and printed a sufficient number of official envelopes to be used by voters absent from their counties as shown by the general register herein provided for.

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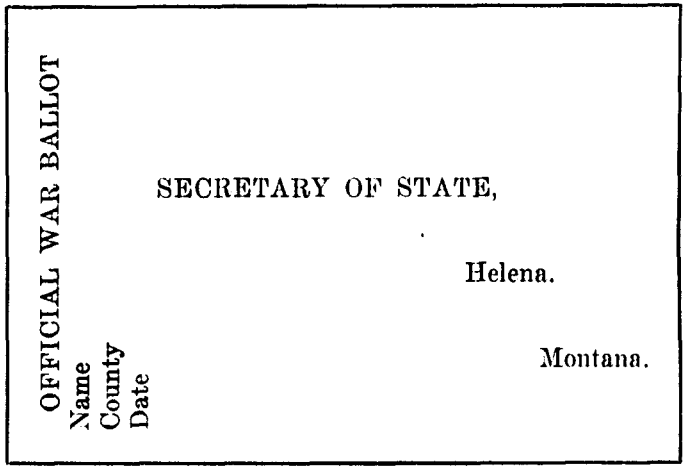
Upon one side of said envelope shall be printed in substantially the following form, the following:



Form of envelope.

Upon the other side of such envelope shall be printed the following:

OATH OF ELECTOR.

I do solemnly swear or affirm that I am a citizen of the United States and am now of the age of ..... years and that I am a resident of the county of....., State of Montana, and was such resident at the time of my entry in the military service of the United States, or service organizations provided in this act, and am entitled to vote in such county at the general election to be held in the State of Montana on the ..... day of November, ... That I am at the present time engaged in the actual service of the.....

(Here insert branch of service engaged in)

and absent from the State of Montana by reason of such service and that I will have no opportunity to vote in person on that date; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used in money or other valuable thing as compensation or reward for the giving or withholding of a vote at this election and have not made any promise to influence the giving or withholding of any such vote, and that I have not made or become directly or

Oath of elector.

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indirectely interested in any bet or wager depending upon the result of this election.

.....

Signature of Elector.

Certificate.

1, the undersigned do hereby certify that the affiant whose name is subscribed to the foregoing affidavit was sworn to by and before me and that said affiant exhibited to me the enclosed ballot (or ballots) for inspection before marking and that the same was (or were) then unmarked, and that he then, in the presence of myself and the presence of no other person and in such manner that I could not see his vote, marked said ballot or ballots; and enclosed and sealed the same in this envelope; that the affiant was not solicited or advised by me to vote for or against any candidate or measure. Dated this..... day of....., 19....., at.....o'clock ..... m.

.....

(Title of Officer making certificate.)

Before whom oath shall be taken.

Section 8. Any such voter shall sign the oath and statement provided for in the preceding section before a person authorized to administer an oath by virtue of the laws of the State of Montana, or before any commissioned military or naval officer, as in this act provided, and may do so at any place in which the elector may be present and such elector shall thereupon in the presence of such person authorized to administer the oath, as hereinafter provided and no other person, mark such ballot or ballots in such manner that such person cannot see the vote on such ballot or ballots, which shall thereupon in the presence of such person be folded by the voter so the ballot will be separate so as to seal the vote, and shall be, in the presence of such person, placed in said envelope without detaching any stub or stubs and the said envelope securely sealed. The person before whom such envelope is sealed shall append his signature and title at the end of the certificate herein provided, said envelope shall be mailed by such absent voter, postage prepaid to the secretary of State of Montana.

Mailing voted ballots to Secretary of State.

Time for voting.

Section 9. Every elector authorized by the provisions of this act may cast his ballot at any time before six (6) o'clock P. M. of the day on which said General Election will be held.

Section 10. The secretary of state shall, within forty-

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eight (48) hours after the receipt of the official ballots and envelopes, as provided for in this act from the several county clerks, cause the official ballot or ballots and envelopes so received, to be enclosed in a separate envelope and addressed to the qualified elector to be deposited in the United States mail such ballot addressed to such qualified electors, to be forwarded to them through such channels and in such manner as may have been directed by the military authorities of the government of the United States or be best suited to secure their safe and timely delivery for the use of the voters.

Mailing official ballots to electors.

Section 11. Upon receipt of the envelope containing the ballot of any elector by the secretary of state, he shall, if the same be received by him five (5) days before the date of the general election, forward the same unopened in a large envelope by registered mail to the county clerk of the county in which such elector resides and the county clerk of the county in which such elector resides shall forthwith enclose the same unopened in a larger envelope which shall be securely sealed and endorsed with the name of the proper voting precinct, the name and official title of such clerk and the words "this envelope contains an absent voter ballot and must be opened only on election day and at the polls when the same are opened", and such clerk shall safely keep the same in his office until same is delivered or mailed by him to the judges of election of the precinct in which such absent voter resides, as provided by this law.

Envelope containing voted ballots to be forwarded by Secretary of State to County Clerk.

Section 12. If the envelope containing the vote of an absent voter be received by the secretary of state on or after five (5) days preceding the day of general election, and on or before the first Monday in December following the general election, such envelope containing the ballot of such absent voter shall, by said secretary of state, unopended, be deposited with the state treasurer, who shall retain the envelopes containing such ballots until the first Monday in December, succeeding the general election. On the first Monday of December, the state canvassing board shall convene at the state capitol and shall in public, at the hour of twelve o'clock noon open the envelopes and packages so received and proceed to canvass said vote for all persons or measures voted for in the manner provided by law. The state board of canvassers shall cause to be transmitted, by the secretary of state to the

Procedure as to envelopes containing voted ballots received five days or less prior to election.

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county clerks of each county a complete statement of the votes cast for each person as shown by the canvass of said vote, and the vote so received by each candidate shall be added to the total vote received by said person, as shown by the county board of canvassers, or the state board of canvassers.

Voted ballots received after first Monday and before fourth Monday in December.

Section 13. If the envelope containing the vote of an absent voter be received by the secretary of state after the first Monday in December following the general election, and on or before the fourth Monday in December following the general election, such envelope containing the ballot of such absent voter shall, by the secretary of state, unopened, be deposited with the state treasurer, who shall retain the envelopes containing such ballots until the fourth Monday in December succeeding the general election. On the fourth Monday of December following the general election, the state canvassing board shall convene at the state capitol and shall in public at the hour of twelve o'clock noon open the envelope and packages so received and proceed to canvass said vote for all persons or measures voted for in the manner provided for by law. The state board of canvassers shall cause to be transmitted by the secretary of state to the county clerks of each county a complete statement of the votes cast for each person as shown by the canvassing of said vote and the vote so received by each candidate shall be added to the total vote received by said person as shown by the prior official canvass. At the meeting of the state canvassing board on the first Monday in December following the general election and on the fourth Monday in December following the general election, the state canvassing board shall proceed to canvass such statements and returns of the absent voters' ballots herein provided for and shall from such statements and returns, together with the statements and returns theretofore made of such election, make new and separate statements of the votes cast in each county or any part thereof as shown by the canvass of such vote and shall complete their canvass and make the statements provided for in this act, and they shall not until the fourth Monday in December following the general election finally determine the result of the election, but nothing herein shall prevent any county board of canvassers or state board of canvassers from proceeding as provided by law except to such final determination.

Canvass by State Board of Canvassers.

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Such meeting or meetings of the board of county canvassers or state canvassers shall be deemed a continuation of its regular session.

Duty of County Board of Canvassers.

Section 14. The county board of canvassers of each county of the state shall convene at the county seat of their respective counties on the last day of December or as soon as the final returns shall have been received from the secretary of state, but not later than the Saturday preceding the first Monday in January following the general election and shall from the returns theretofore canvassed by them, together with such statements and returns as shall have been received from and certified to by the secretary of state of Montana make new and separate statements of the votes cast in such county or any part thereof and shall complete their canvass and make the final statements provided for by law, and they shall not until such meeting finally determine the result of the election, but nothing herein shall prevent the county board of canvassers from proceeding as provided by law for canvassing the returns of such election. Such meeting or meetings of the board of county canvassers shall be deemed a continuation of its regular session.

Votes as canvassed by State Board of Canvassers to be included in total number of votes.

Section 15. The county board of canvassers and the state board of canvassers shall each, in the determination of the number of votes received by any person for any office, add the total number of votes received by such person at the general election and canvassed by said boards in the manner provided by law, the number of votes received by any such person as canvassed by the state board of canvassers and the total number of votes so received by any person as a candidate for any office of the State of Montana, shall be the number of votes declared and determined by the county board of canvassers or the state board of canvassers, and they shall thereupon declare such person elected as shown by such vote and shall order issued thereto certificates of election.

Ballot received on or before fourth Monday in December shall not be canvassed.

Section 16. No statement of returns or any ballot of an absent voter, as provided in this act, which shall not have been made or canvassed prior to or on the fourth Monday of December succeeding the general election shall be canvassed or affect the result of such an election; and no return or statement not received by the county or state boards of canvassers at their meetings herein provided for

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shall be thereafter canvassed or affect the result of such election.

Persons before whom elector may mark ballot.

Section 17. Persons authorized to administer oaths and before whom an elector may mark his ballot as hereinabove provided shall be: Any commissioned military or naval officer of the United States, any person in charge of a section, camp or detachment of any of the auxiliary organizations mentioned in Section 1 of this act, or any person authorized to administer oaths by the laws of this state or of the United States or of the country in which the elector may be and marks his ballot.

Informality.

Section 18. No mere informality in the matter of carrying out or executing the provisions of this act shall invalidate the election or authorize the rejection of the returns thereof and the provisions of this act shall be liberally construed for the purposes herein expressed and intended. All the provisions of the penal law of the State of Montana relating to crime against the elective franchise shall be deemed to apply to the provisions of this act.

Penal laws applicable.

Section 19. All ballots received by the secretary of state and canvassed under this act shall be securely sealed in separate packages and retained by him subject to the order of any court of competent jurisdiction.

Act to be printed and forwarded to electors.

Section 20. The secretary of state shall cause this act to be printed in suitable form and a copy thereof to be forwarded with the ballot to each person entitled to vote under the provisions of this act.

Construction of Act.

Section 21. Nothing in this act shall be deemed to repeal or amend any of the provisions of law now existing relating to elections, but this act shall be construed as supplementary to all such laws and designed to carry into effect the purposes herein expressed, but in case of conflict or apparent conflict, the provisions of this act shall, within its scope and purpose, prevail.

Severability of Act.

Section 22. If any section, subdivision, sentence or clause of this act is held to be unconstitutional or inoperative by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this act.

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Section 23. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 24. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 26, 1943.

CHAPTER 102

An Act Relating to the Procurement of and the Use of Cadavers for the Teaching of Anatomical Science in the State of Montana and Providing for the Preservation and the Disposal of Said Cadavers, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any accredited institution of higher learning in the State of Montana or any accredited hospital school of nursing affiliated therewith, may apply to individuals or organizations who have the custody of unclaimed dead human bodies, for the procurement of unclaimed dead human bodies and these institutions of higher learning may receive such bodies for use in the teaching and demonstration of anatomical science by professional instructors. Procurement of cadavers by certain institutions and schools.

Section 2. The administrative authorities of an institution of higher learning, or hospital school of nursing affiliated therewith, on or before the time when application is made for the procurement of unclaimed dead human bodies, shall provide evidence in the form of a notarized statement to the state board of health of the State of Montana showing that proper equipment, including tanks and/or refrigeration equipment, of a type, and so constructed as to make this equipment satisfactory for the proper handling and preservation of dead human bodies and this equipment for the storage of dead human bodies shall be so constructed that after the bodies are placed in them the containers may be kept closed by means of at least two locks of brass or other like metallic substance of paracentric construction and this equipment may be inspected at such times as may be determined by the state board of health of the State of Montana. Application therefor. Evidence to be submitted to State Board of Health.

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Delivery of cadavers authorized.

Section 3. The state board of examiners of the State of Montana or others who may have the custody of unclaimed dead human bodies are hereby authorized to permit the delivery to any institution of higher learning in the State of Montana or any accredited school of nursing affiliated therewith, any unclaimed body, after such institution has complied with the provision of Section 2 of this act, provided that there was no request by the deceased person that his or her body be immediately buried, upon the filing of a written request upon such form as may be prescribed by the state board of health of the State of Montana, setting forth the surety that such body will be used only for the teaching and demonstration of anatomical science in this state.

Proviso.

Expenses.

Section 4. All expenses connected with the transportation of unclaimed dead human bodies to institutions of higher learning at the request of said institution along with any expense directly connected with the special preparation of such bodies for use in teaching or demonstration work in anatomical science shall be borne by the institutions of higher learning making application for the use of said dead human bodies.

Bodies to be kept three months before use thereof.

Section 5. Dead human bodies procured by an institution of higher learning under this act shall be kept by that institution for a period of time of at least three (3) months after the date of death before said bodies may be used for the purpose of teaching of anatomical science.

Burial.

Section 6. The burial permit shall accompany the body to said educational institution and by it be properly registered for burial and buried by a licensed embalmer or undertaker, at the expense of the institution of higher learning making application for the use of said dead human bodies.

Penalty.

Section 7. Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine not exceeding five hundred dollars ($500.00).

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1943.

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CHAPTER 103

An Act to Amend Section 1015, Revised Codes of Montana, 1935, as Amended by Chapter 165, Laws of the Twenty-fifth Legislative Assembly of 1937, by Adding a New Subsection Thereto to Be Numbered Subsection 23, Relating to the Providing of Foods, Cooks, Janitor Services and Equipment for School Lunches When Deemed Advisable by the Board of Trustees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1015 of the Revised Codes of Montana, 1935, as amended by Chapter 165, laws of the twenty-fifth legislative assembly of 1937, be, and the same is hereby amended to read as follows:

Duties of trustees.

"Section 1015. **Duties of Trustees.** Every school board unless otherwise specially provided by law shall have power and it shall be its duty:

Rules for government of schools.

"1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction for their own government of schools under their supervision.

Employment and discharge of teachers and others.

"2. To employ or discharge teachers, mechanics or laborers, and to fix and order paid their wages; provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at a special or regular meeting; nor unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.

Rate of tuition.

"3. To determine the rate of tuition of non-resident pupils.

"4. To fix the compensation of the clerk.

"5. To enforce the rules and regulations of the superintendent of public instruction for the government of schools, pupils, and teachers and to enforce the course of study.

"6. To provide for school furniture and for everything needed in the schoolhouse or for the use of the school board.

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Repair, insurance and rental of buildings.

"7. To repair and insure schoolhouses and to rent, lease and let to such persons or entities as the board may deem proper, the grade school halls, gymnasium and buildings and part thereof for such time and rental as the board may designate. All rentals shall be paid to the county treasurer for the credit of the school district.

Acquisition and disposition of land and buildings.

"8. To purchase, acquire, sell and dispose of plots or parcels of land to be used as sites for schoolhouses, school dormitories and other school buildings, and for other purposes in connection with the schools in the district; to build, purchase or otherwise acquire schoolhouses, school dormitories and other buildings necessary in the operation of schools of the district, and to sell and dispose of the same; provided, that they shall not build or remove schoolhouses or dormitories, nor purchase, sell or locate school sites unless directed so to do by a majority of the electors of the district voting at an election held in the district for that purpose, and such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers, and notice thereof shall be given by the clerk by posting three (3) notices in three (3) public places in the district at least ten (10) days prior to such election, which notices shall specify the time, place, and purpose of such election. Provided, further, that this subdivision shall not be so construed as to prevent the board of trustees from purchasing one (1) or more options for a school site.

Election, a prerequisite.

"9. To hold in trust for their district all real or personal property for the benefit of the school thereof.

"10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six (6) years of age where the interest of the school requires such exclusion.

Indigent children.

General health conditions.

"11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed; and when deemed advisable to employ a physician or registered nurse to make inspection into the sanitary conditions of the school and the general health conditions of each pupil, and to make a full, detailed report to the board of trustees. The clerk of the district shall furnish immediately to each parent or guardian a copy of such portion of the above mentioned report as pertains to his child or ward.

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"12. To require pupils to be furnished with suitable books as a condition of membership in school.

"13. To exclude from school and school libraries all books, tracts, papers and other publications of immoral and pernicious nature.

"14. To require teachers to conform to the law.

"15. To make an annual report, as required by law, to the county superintendent on or before the first day of August in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

"16. To make a report directly to the superintendent of public instruction whenever instructed by him to do so.

"17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent in districts of the third class.

"18. To visit every school in their district at least once in each term, and to examine carefully into its management, conditions, and needs. This clause applies to each of the trustees.

"19. To provide separate privies or outhouses for the use of the sexes at all schoolhouses, where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such privies or outhouses must be located and built in such manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privies or outhouses herein named shall be separate and distinct buildings, and situated at least twenty (20) feet apart, and to require that all teachers and janitors use due care in keeping all toilets in good repair and in clean condition and free from obscenity; provided, that any trustee or trustees, teacher, janitor, or janitors, failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars ($100.00), or imprisoned in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court. Outhouses. Penalty.

"20. To allow pupils residing in other districts to attend

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school in the district of which they have charge, if in their judgment there is sufficient room.

American flag.

"21. To procure, by purchase or donation, and to cause to be displayed daily in suitable weather, an American flag, with accompanying necessary fixtures, for each and every schoolhouse in their respective districts. Said flags shall be of dimensions not less than four (4) by six (6) feet, and shall be made from durable material. The school trustees are hereby authorized and empowered to use such portion of the school funds as remain in their hands, and which is not otherwise appropriated, for the purchase and erection of fixtures.

"22. To close school at their discretion during the annual session of the state teachers' association, and to allow teachers to attend the same without loss of salary.

School lunches.

"23. *To provide foods, cooks, janitor services and equipment for school lunches when deemed advisable by the board. Governed by its own judgment, the board may impose a money charge, produce or services from the pupils desiring to and participating in the program of school lunches.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1943.

CHAPTER 104

An Act to Amend Section 619 of the Revised Codes of Montana of 1935, Amending the Time of Certification of Candidates by the Secretary of State to the County Clerks in Order That Ballots May Be Printed in Adequate Time to Be Voted and Returned by Men and Women in the Armed Service of the United States, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 619 of the Revised Codes of

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Montana of 1935, is hereby amended to read as follows:

"Section 619. Not less than *forty-five (45)* nor more than *ninety (90)* days before an election to fill any public office, the secretary of state must certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the name and description of each person nominated, as specified in the certificates of nomination filed with the secretary of state."

Time of certification of candidates by Secretary of State to County Clerks.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 26, 1943.

CHAPTER 105

An Act to Amend Section 618 of the Revised Codes of Montana of 1935, Relating to the Time of Filing by Independent Candidates for Office in Order That Men and Women in the Armed Service May Have Sufficient Time to Procure and Return Their Ballots Prior to Any General Election; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 618 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 618. **Certificate of Nomination to be Filed with the Secretary of State Must Be Filed Not Less Than** *Ninety (90)* **Days Before the Date Fixed by Law for the Election.** Certificates of nomination herein directed to be filed with the county clerk must be filed not less than *ninety (90)* days before the election; certificates of nomination of candidates for municipal offices must be filed with the clerks of the respective municipal corporations not more than thirty (30) days and not less than ten (10) days previous to the day of election; but the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies."

Time for filing certificates of nomination with Secretary of State, County Clerks, or Clerks of Municipal Corporations.

Exception.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1943.

CHAPTER 106

An Act to Relieve All Persons in the Military Service of the United States From Paying Annual Fees or Charges for Licenses or Privilege to Carry on Personal Callings and Occupations During the Period That Such Person Shall Be in the Service, and for a Period Thereafter, and to Preserve the Status of Such Persons During Their Period of Military Service and for a Period Thereafter, as Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Collection of license fees from persons in military service of United States not to be made for specified period.

Section 1. The collection from any person in the military service of the United States, as defined by the soldiers' and sailors' civil relief act of October 17, 1940, as amended October 6, 1942, of any license fee or privilege fee or charge, or tax for, and as a prerequisite for carrying on any personal service occupation, or any profession, annually, or for any other period of time, whether falling due prior to or during his period of military service, shall not be made for the period, or any part thereof, during which such person was in military service and for an additional period of six (6) months after the termination of his period of military service, if such person were not actually professing, carrying on and practicing his profession, avocation or occupation in the State of Montana during such period as herein extended, and such person or licensee shall not hereafter be liable for such license fee or privilege fee or tax or personal service charge for any period during which said conditions obtain.

Status or standing of such person not affected.

The status, standing and right of any such person or licensee under any of the laws of the State of Montana shall remain in the same force and effect in which said status, right and standing existed at the time such person entered the military service of the United States and for the whole period of such military service and for an additional period of six (6) months after the termination of

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said period of said military service, and at the end of said extended period said person shall be deemed to be and shall stand, fully and completely restored to all the rights, privileges, of his profession, avocation or occupation, to all intents and purposes as if he had not been absent in military service and had been regularly carrying on his said profession, avocation and occupation and regularly paying all fees and charges due for the same. After the termination of said extended period, six (6) months following termination of his military service, said person shall be subject for the next ensuing annual period, or any part thereof, and regularly thereafter, to all license fees, privilege fees, charges and taxes then lawfully collectible pursuant to law.

Such person again subject to license fees, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 26, 1943.

CHAPTER 107

An Act to Amend Section 12456 of the Revised Codes of Montana of 1935, Relating to Good Behavior Allowance for Convicts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12456 of the Revised Codes of Montana of 1935, be, and the same is amended to read as follows:

"Section 12456. **Good Behavior Allowance for Convicts in Certain Employments.** The state board of prison commissioners is hereby authorized and required to adopt rules and regulations applicable to *all convicts employed upon any prison work or activity* whereby said convicts so employed, *but only while so employed,* may be granted additional good time allowance in addition to that now provided by the preceding section for good conduct, conditioned upon such convicts' good behavior and compliance with all rules and regulations which may be made

Good behavior allowance for convicts in certain employments.

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by said board or superintendent or warden of the state prison, for the management and control of said prison and such convicts; provided, said rules may grant not to exceed an additional good time allowance of ten (10) days per month, and further, provided, that an attempted escape by the convict, or such violation of the rules and regulations so prescribed, as in the judgment of the said board should be punished by forfeiture of such extra good time, shall operate as forfeiture of all extra good time as may have been allowed by said board of prison commissioners, now authorized in this act."

Limitation.

Effective date.

Section 2. This act shall take effect upon its passage and approval.

Approved February 26, 1943.

CHAPTER 108

An Act to Amend Section 1201.3, Revised Codes of Montana, 1935, as Amended by Chapter 132. Laws of the Twenty-seventh Legislative Assembly of 1941, Relating to State Common School Equalization Fund and the Distribution Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1201.3, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1201.3. **Distribution of Fund—Reports May Be Required.** The state board of education at its meetings to be held in the months of July and December in each year, shall determine the minimum educational program which shall be equalized, and in determining such educational program shall consider the following factors: the minimum length of the school term; the levy required including levy for text books in order to maintain the school for such minimum term and with such minimum program; the taxable valuation of the district; the taxable valuation per child enrolled and in regular attendance; enrollment in regular attendance and minimum enrollment, and such other factors as said board may deem necessary for the purpose of carrying out the provisions of this act.

Distribution of fund.

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"No amount shall be paid over to or distributed to any school district from the common school equalization fund, save and except under the following conditions:

Conditions.

"1. When, in order for a district to maintain a school for the minimum term and to provide the minimum educational program, as determined by the state board of education, it is necessary for the district to levy a tax of more than fifteen (15) mills, including any levy made for text book purposes.

Necessary tax of more than 15 mills.

"2. When the number enrolled and in regular attendance does not exceed ten (10) and they can be readily transported to another school, not more than ten (10) miles distant and the cost of transportation and tuition at such other school will require a tax levy of more than fifteen (15) mills.

Transportation to other school and tuition requiring tax of 15 mills.

"The amount of equalization fund granted to any school district with less than ten (10) but more than five (5) pupils enrolled and in regular attendance shall be decreased at least ten percent (10%) of the amount needed for the minimum term and the equalized minimum educational program adopted by the state board of education, for each pupil less than ten (10) enrolled and in regular attendance; provided that for a school with a number enrolled and in regular attendance not less than four (4), nor more than five (5) pupils, the amount granted from the equalization fund shall not exceed fifty percent (50%) of the amount which would be granted to such school if it had ten (10) pupils enrolled and in regular attendance; and provided further, that no amount whatever shall be granted to any school district from such equalization fund when the number enrolled and in regular attendance is less than four (4).

Amount of grant decreased, when.

"When application is made by any school district for aid from the common school equalization fund and it appears to the satisfaction of the state board of education that the school can be closed and the pupils transported to some other school, or board and rent furnished them in lieu of transportation while attending such other school, and that all cost and expense in connection with such pupils attending such other school will be less than the cost and expense of the district maintaining its school, and that by the district closing such school and providing for such transportation, or board or rent in lieu thereof,

School closed and pupils transported, when.

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a less amount will be required from the said equalization fund, the state board of education must grant aid only in such amount as it may deem necessary under such conditions, and the amount granted may be used and expended by the school district in providing such transportation, or board and rent in lieu thereof.

Amount of grant, factors determining.

"Whenever the state board of education shall determine that any school district is entitled to receive aid and assistance from such equalization fund, the board shall determine the minimum amount actually required to maintain such school, for the minimum term and educational program as determined by the board, or for tuition, transportation, or rent and board in lieu thereof, without any reserve being set up for the following school year, and shall also make a fair estimate of the cash balance, if any, on hand available for maintenance purposes, the amount which the district will receive from sources other than taxation for maintenance purposes and the amount which a levy of fifteen (15) mills, including any levy made for text books, will produce, and the total of such amounts shall be deducted from the amount determined by the board to be required for maintenance purposes, and the amount which may be granted such district from the equalization fund shall not exceed such difference, but may be fixed at a less amount.

Distribution of surpluses in Equalization Fund.

"All surpluses in the state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, *1944*, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. Likewise all surpluses remaining in said state common school equalization fund, after one hundred thousand dollars ($100,000.00) have been apportioned under this act, for the year ending March 15, *1945*, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. After March 15, *1945*, all monies credited to the state common school equalization fund shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935.

Power of State Board of Education.

"The state board of education, acting as such common school equalization board shall have the power to require such reports from county superintendents of schools, coun-

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ty treasurers, and school trustees as it may deem necessary, and shall provide rules and regulations for the purpose of carrying out the provisions of this section, and providing, as nearly as possible, and as far as said fund will allow, nine months' schooling each year for every child in the common schools of the state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved February 26, 1943.

CHAPTER 109

An Act to Amend Sections 8351, 8353, 8355, 8356 and 8358, Revised Codes of Montana, 1935, Relating to Liens for Salaries and Wages, and Preferences Therefor in Cases of Assignments of Property and to Priority of Wages in Case of Death of Employer and a Priority Over Claims for Wages Against Execution or Attachments, and Amending Section 8616, Revised Codes of Montana, 1935, Relating to Preferences for Wages in All Assignments of Property for Benefit of Creditors, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8351, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Preferred creditors when assignment of property is made.

"Section 8351. **Preferred Creditors When Assignment of Property Is Made.** In all assignments of property made by any person to trustees or assignees on account of the inability of the person, at the time of the assignment, to pay his debts, or in proceedings of insolvency, the wages of the miners, mechanics, salesmen, servants, clerks, or the laborers employed by such person, to the amount *actually owed*, and for services rendered within *four (4) months* previously, are preferred claims, and must be paid by such trustees or assignees before any other creditor or creditors of the assignor."

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Section 2. That Section 8353, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Priority of wages in case of death of employer.

"Section 8353. **Priority of Wages in Case of Death of Employer.** In case of the death of any employer, the wages of each miner, mechanic, salesman, clerk, servant, and laborer for services rendered within *four (4) months* next preceding the death of the employer, *in the amount actually owed,* rank in priority next after the funeral expenses, expenses of the last sickness, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children, and must be paid before other claims against the estate of the deceased person."

Section 3. That Section 8355, Revised Codes of Montana, 1935, shall be, and the same is hereby amended as follows:

Service of notice.

"Section 8355. **Service of Notice.** The officer serving said notice and claim shall forthwith, after such service of the same, make return thereof, showing such service, where and how made. Service may be made in any case at any time before the actual sale of the property levied upon in such pending action, and unless such claim is disputed by the debtor or a creditor or party plaintiff, such officer must pay such person out of the proceeds of the sale the amount he is entitled to receive for services rendered within the *four (4) months* next preceding the levy of the writ, not exceeding *the amount actually owed.* If any or all of the claims so presented, and claiming preference under this chapter, are disputed by either the debtor or a creditor, the person presenting the same must commence an action within ten (10) days after notice of such dispute is served upon such claimant, as provided for in the next section, for the recovery thereof; and the officer must retain possession of so much of the proceeds of the sale as may be necessary to satisfy such claim and costs until the final determination of such action; and in case judgment be had, the costs are a preferred claim, which may include a reasonable attorney's fee."

Action to be commenced when.

Sectoin 4. That Section 8356, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

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"Section 8356. **Proceeding if Claim Disputed.** The debtor or creditor intending to dispute any claim presented under the provisions of the last section shall, within ten (10) days after receiving notice of such claim, serve upon the claimant and officer holding such execution, attachment, or other writ, a statement in writing, verified by the oath of the debtor or person disputing such claim for services, setting forth that no part of said claim, not exceeding a sum specified, is justly due from the debtor to the claimant for services rendered within the *four (4) months* next preceding the levy of the execution, attachment, or other writ, as the case may be. If the claimant bring suit on a claim which is disputed in part only, and fail to recover a sum exceeding that which was admitted to be due, he shall not recover costs, but costs shall be adjudged against him; and where such claimant fails to bring suit upon his claim, which is disputed in part only, he shall be deemed to have waived that portion of his claim disputed."

Proceeding if claim is disputed.

Section 5. That Section 8358, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

"Section 8358. Nothing in this chapter shall be construed so as to affect any lien, encumbrance, or mortgage held by any creditor of such employer prior to said *four (4) months.*"

Certain liens not affected.

Section 6. That Section 8616, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

"Section 8616. **Preferences May Be Given for Wages.** In all assignments of property made by any person, association, corporation, copartnership, chartered company, or corporation, to trustees or assignees on account of inability of the assignor or assignors at the time of the assignment to pay his or their debts, or in proceedings in insolvency, the wages of the miners, mechanics, salesmen, servants, clerks, or laborers employed by such assignor or assignors for services rendered within *four (4) months* immediately previous to such assignment, not to exceed *the actual amount owed* for each person, are preferred claims, and must be paid by such trustees or assignees before any other creditor or creditors of such assignor."

Preference may be given for wages.

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Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1943.

CHAPTER 110

An Act to Amend Section 12458 of the Revised Codes of Montana, 1935, Providing That a Discharged Convict From the Montana State Prison Is Entitled to Certain Clothing and Money.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12458 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Discharged convict entitled to clothes and money.

"Section 12458. **Discharged Convict Entitled to Clothes and Money.** Whenever any convict is discharged from imprisonment, the warden must provide him with proper and sufficient clothing, at a cost not exceeding twenty-five dollars ($25.00) and must pay him in addition twenty-five dollars ($25.00) in money."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1943.

CHAPTER 111

An Act Amending Section 381 of the Revised Codes of Montana, 1935, Relating to the Publishing of the Montana Reports and Contracts With Publishers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 381 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

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"Section 381. **Contract With Publisher.** The justices shall have no pecuniary interest in the volumes of reports. The reports must be published by contract to be entered into by the justices and with the publishing house that will agree to publish the new volumes of the Montana Reports for a period of six (6) years, *and furnish to the state and the people of the state at prices fixed in the contract any volume or volumes printed by such publishers. In the contract the justices may, at their discretion, require the publisher to agree to furnish complete sets or odd volumes of the Montana Reports from and including volume one to the last volume published, to the state and the people of the state at prices fixed in the contract.* Such contract shall require the publisher to print each volume in accordance with the specifications set forth in the preceding section. It shall also require the publisher to issue each new volume within ninety (90) days after the manuscript for the same is delivered by the justices to the said publisher. Such contract shall also require the publisher to make stereotype matrices of each volume so published by him, and to preserve these matrices in fire proof vaults, to the end that the volumes will never become out of print. The publisher receiving the contract as herein provided shall, before commencing the publication of the volumes of such reports, advertise in two (2) newspapers in Montana for ten (10) days for proposals for such printing, stereotyping, and binding of such volumes, and such publisher shall, if the proposals for such work do not exceed by the sum of twenty percent (20%), the amount for which the same can be done outside of the state, cause such printing, stereotyping and binding to be done within the State of Montana."

Contract with publisher.

Printing to be done in state, when.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 26, 1943.

CHAPTER 112

An Act to Amend Sections 372 and 1556 of the Revised Codes of Montana, 1935, as Amended by Chapter 156 of

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the Laws of the Twenty-sixth Legislative Assembly of the State of Montana, Relating to the Collection of Fees by the Clerk of the Supreme Court, Providing for the Distribution Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 372 of the Revised Codes of Montana of 1935, as amended by Chapter 156 of the Laws of the twenty-sixth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Fees.

"Section 372. **Fees.** He must collect in advance the following fees: For filing the transcript on appeal, in each civil case appealed to the supreme court, ten dollars ($10.00) payable by the appellant, and five dollars ($5.00) payable by respondent, at the time of his appearance, in full for all services rendered in each case, up to the remittitur to the court below; for filing petition for any writ, ten dollars ($10.00), in full for all services rendered in each cause; for certificate of admission as attorney and counselor, five dollars ($5.00); for making transcripts, copies of papers or record, fifteen cents (15c) per folio; for comparing any document requiring a certificate, five cents (5c) per folio; for each certificate under seal, one dollar ($1.00).

Disposition of fees collected.

"All fees collected by him must be paid into the state treasury, *all of which shall be credited to the credit of the state law library fund.*"

Section 2. That Section 1556 of the Revised Codes of Montana of 1935, as amended by Chapter 156 of the laws of the twenty-sixth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Library funds.

"Section 1556. **Library Funds.** The fund of the law library department of the state library consists of *all of the fees* collected and paid into the state treasury by the clerk of the supreme court, and any appropriations especially made for this department by the legislative assembly; if any part of said fund be not expended in any year, said balance shall not be covered back in the general fund at the end of the fiscal year, but the same shall be reserved

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and set apart as a surplus fund for the purchase of books for the law library, and the board of trustees of the law library department of the state library is hereby empowered and authorized to draw from the state treasury, at any time when needed for the purchase of additional books, any moneys belonging to said surplus fund. The fund of the historical and miscellaneous department of the state library consists of the receipts from the sale of any of its publications authorized to be sold, and of any appropriations especially made in its behalf by the legislative assembly."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1943.

CHAPTER 113

An Act Providing for the Recovery of Damages by Persons Bitten by Dog; and Creating a Liability of the Owner of Such Dog.

Be it enacted by the Legislative Assembly of the State of Montana:

Liability of owner of vicious dog.

Section 1. The owner of any dog which shall without provocation bite any person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of such dog, and located within an incorporated city or town, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

A person is lawfully upon the private property of such owner within the meaning of this act when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States of America, or when he is on such property as an invitee or licensee of the person lawfully in possession of the property.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1943.

CHAPTER 114

An Act Requiring Doors in Buildings Used for the Accommodation of the Public to Open Outwardly, Specifying Minimum Dimensions and Prohibiting Locking Such Doors During Occupancy of Such Buildings Except in Specified Cases, Providing That Violation of Section 2 Hereof Shall Constitute a Misdemeanor, Providing for Inspection of Such Buildings and Enforcement of This Act by the State Fire Marshal and Others, and Repealing Section 11266 Revised Codes of Montana 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Doors on buildings accommodating public to open outward.

Section 1. **Doors on Buildings Accommodating the Public to Open Outward.** Every person who constructs, owns, controls, or has the custody of any building erected, or to be erected, to be used to accommodate public assemblies, including churches, schools, court houses, theaters, public halls, ballrooms, beer parlors, taverns, road houses, night clubs, or any other building of like character, or any building owned or controlled by the State of Montana to be used as an office building, dormitory, school, or for penal or custodial purposes, or any other building of like character, shall have at least two separate exits or as many more as the fire marshal shall direct. These exits shall be placed as remote from each other as consistent with the construction of the building and shall be easily accessible from all parts of the building.

Exits.

Section 2. Each exit shall be at least seventy-two (72) inches high and thirty (30) inches wide and the door or doors shall open outwardly. During the period of occupancy, no exit door shall be locked, bolted, or otherwise fastened so that the door or doors cannot be opened from the inside by the use of the ordinary door knob or by

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pressure on the door or on a panic-release device. It shall be unlawful to obstruct, in any manner whatsoever, any exit required by the provisions of this act, or any hallway, corridor or entrance way leading thereto. Violation of this section shall constitute a misdemeanor. Provided, however, that this section shall not be construed as requiring doors where persons are confined or imprisoned by authority of law to be or remain unlocked, unbolted, or otherwise fastened so that they can be opened from the inside.

Duty of State Fire Marshal.

Section 3. It shall be the duty of the state fire marshal, his deputies and subordinates to enter into all buildings and upon all premises described in this act for the purpose of examination of such premises for violations of this act, and when any building shall be found which has not been constructed or maintained according to the provisions of this act, he shall serve or cause to be served a written notice upon the person or persons who own or have under control such building. This notice shall specify the violation and the time given within which such violation shall be remedied. Upon the failure of any of the parties charged with the duty of correcting such violations, in accordance with this act, the state fire marshal shall transmit this information to the attorney general of the state, who shall refer said violation to the county attorney of the county wherein the violation occurs for prosecution, and the attorney general may assist the said county attorney to a determination of the matter. The said attorney general shall instruct the said county attorney to institute an action against the owner, lessee or occupant of such building for an injunction and abatement against the property.

Notice of violation.

Legal action for injunction.

Repealing clause.

Section 4. Section 11266 of the Revised Codes of Montana of 1935, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1943.

CHAPTER 115

An Act Relating to Transfers of Shares of Stock in Corporations, Regulating Such Transfers, Prescribing the Rights, Remedies and Status of All Persons and Corporations Concerned in or With Such Transfers, De-

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fining the Terms Used in This Act, and to Make Uniform the Law of Transfer of Shares of Stock in Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

How title to certificates and shares may be transferred.

Section 1. **How Title to Certificates and Shares May Be Transferred.** Title to a certificate and to the shares represented thereby can be transferred only,

(a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person, or

(c) By delivery of the certificate with an assignment endorsed thereon or in a separate instrument signed by the trustee in bankruptcy, receiver, guardian, executor, administrator or other person duly authorized by law to transfer the certificate on behalf of the person appearing by the certificate to be the owner of the shares represented thereby.

Powers of those lacking full legal capacity and of fiduciaries not enlarged.

Section 2. **Powers of Those Lacking Full Legal Capacity and of Fiduciaries Not Enlarged.** Nothing in this act shall be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Corporation not forbidden to treat registered holder as owner.

Section 3. **Corporation Not Forbidden to Treat Registered Holder as Owner.** Nothing in this act shall be construed as forbidding a corporation,

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

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Section 4. **Title Derived From Certificate Extinguishes Title Derived From a Separate Document.** The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Title derived from certificate extinguishes title derived from a separate document.

Section 5. **Who May Deliver a Certificate.** The delivery of a certificate to transfer title in accordance with the provisions of Section 1, is effectual, except as provided in Section 7, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Who may deliver a certificate.

Section 6. **Indorsement Effectual in Spite of Fraud, Duress, Mistake, Revocation, Death, Incapacity or Lack of Consideration or Authority.** The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in Section 7, though the indorser or transferor,

Indorsement effectual in spite of fraud, duress, mistake, revocation, death, incapacity or lack of consideration or authority.

(a) Was induced by fraud, duress or mistake, to make the indorsement or delivery, or

(b) Has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or

(c) Has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate, or

(d) Has received no consideration.

Section 7. **Rescission of Transfer.** If the indorsement or delivery of a certificate,

Rescission of transfer.

(a) Was procured by fraud or duress, or

(b) Was made under such mistake as to make the indorsement or delivery inequitable; or

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If the delivery of a certificate was made

(c) Without authority from the owner, or

(d) After the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless:

(1) The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or,

(2) The injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights.

Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Rescission of transfer of certificate does not invalidate subsequent transfer by transferee in possession.

Section 8. **Rescission of Transfer of Certificate Does Not Invalidate Subsequent Transfer by Transferee in Possession.** Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Delivery of unindorsed certificate imposes obligation to indorse.

Section 9. **Delivery of Unindorsed Certificate Imposes Obligation to Indorse.** The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares, shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

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Section 10. **Ineffectual Attempt to Transfer Amounts to a Promise to Transfer.** An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.

Ineffectual attempt to transfer amounts to a promise to transfer.

Section 11. **Warranties on Sale of Certificate.** A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants—

Warranties on sale of certificate.

(a) That the certificate is genuine,

(b) That he has a legal right to transfer it, and

(c) That he has no knowledge of any fact which would impair the validity of the certificate.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

Section 12. **No Warranty Implied From Accepting Payment of a Debt.** A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

No warranty implied from accepting payment of a debt.

Section 13. **Attachment or Levy Upon Shares—How Accomplished. Surrender. Enjoinment.** Any attachment or levy upon shares of stock for which a certificate is outstanding, or upon any interest in such shares, may be accomplished by any of the following methods,

Attachment or levy upon shares—how accomplished.

(a) By the officer making the attachment or levy actually seizing the certificate or

(b) By the officer making the attachment or levy leaving with the president, or other head of the corporation or company, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached or levied upon in pursuance of such writ, and also

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Surrender.

(c) By the surrender of the certificate to the corporation which issued it in subjection to the attachment or levy, or

Enjoinment.

(d) By enjoining the transfer of the certificate by the holder. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Creditor's remedies to reach certificate.

Section 14. **Creditor's Remedies to Reach Certificate.** A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

There shall be no lien or restriction unless indicated on certificate.

Section 15. **There Shall Be No Lien or Restriction Unless Indicated on Certificate.** There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

Alteration of certificate does not divest title to shares.

Section 16. **Alteration of Certificate Does Not Divest Title to Shares.** The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

Lost or destroyed certificate.

Section 17. **Lost or Destroyed Certificate.** Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason

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of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.

Liability of corporation in damages.

Section 18. **Rule for Cases Not Provided for by This Act.** In any case not provided for by this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Rule for cases not provided for by this act.

Section 19. **Interpretation Shall Give Effect to Purpose of Uniformity.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Interruption shall give effect to purpose of uniformity.

Section 20. **Definition of Indorsement.** A certificate is indorsed when an assignment or a power of attorney to sell, assign, or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when the signature of such person is written without more upon the back of the certificate. In any of such cases a certificate is indorsed though it has not been delivered.

Definition of indorsement.

Section 21. **Definition of Person Appearing to Be the Owner of Certificate.** The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Definition of person appearing to be the owner of certificate.

Section 22. **Other Definitions.** (1) In this act, unless the context or subject matter otherwise requires—

Other definitions.

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Definitions.

"Certificate" means a certificate for shares in a domestic or foreign corporation.

"Delivery" means voluntary transfer of possession from one person to another.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Shares" means a share or shares of stock in a domestic or foreign corporation.

"State" includes state, territory, district and insular possession of the United States.

"Transfer" means transfer of legal title.

"Title" means legal title and does not include a merely equitable or beneficial ownership or interest.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

Application of transfer act.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Section 23. **The Application of the Transfer Act.** The provisions of the transfer act shall apply to certificates for shares issued after the taking effect of the transfer act, and to transfers made in this state whether of certificates for shares of domestic or foreign corporations, and also, so far as applicable, to voting trust certificates and stock purchase or subscription warrants which shall be transferable in the same manner and with the same effect as certificates for shares.

Inconsistent legislation repealed.

Section 24. **Inconsistent Legislation Repealed.** All acts or parts of acts inconsistent with this act are hereby repealed.

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Section 25. **Time When the Act Takes Effect.** This act shall take effect on the first day of July, one thousand nine hundred and forty-three. Time when the act takes effect.

Section 26. **Name of Act.** This act may be cited as the uniform stock transfer act. Name of Act.

Approved February 27, 1943.

CHAPTER 116

An Act to Amend Section 5864 of the Revised Codes of Montana, 1935, Relative to the Effect of Adoption on Former Relations of Child, and Providing That in Case a Parent of the Child Is Married to the Person Adopting the Child the Same Legal Relations Continue Between Said Parent and Said Child After Its Adoption.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5864 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 5864. **Effect on Former Relations of Child.** The parents of an adopted child are, from the time of the adoption, relieved of all parental duties towards, and all responsibility for, the child so adopted, and have no right over it; *provided that in cases where a parent of the child is either the husband or wife of the person adopting such child, such parent and such child shall continue to sustain towards each other the same legal relations as existed prior to such adoption.*" Effect on former relations of child.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 27, 1943.

CHAPTER 117

An Act Validating, Ratifying, Approving and Confirming

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Bonds and Other Instruments or Obligations, Heretofore Issued by Public Bodies of This State, and All Proceedings Heretofore Taken for the Authorization and Issuance by Such Public Bodies of Bonds, Instruments and Other Obligations, However Described, and Providing That This Act May Be Cited as "The 1943 Bond Validating Act", and Providing Further That Nothing Contained in This Act Shall Be Construed or Interpreted to Validate, Ratify, Approve or Confirm Any Bonds, Debentures, Certificates, Instruments or Other Obligations Issued by the Montana Armory Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Short title.

Section 1. This act may be cited as "The 1943 Bond Validating Act."

Definitions.

Section 2. The following terms, wherever used or referred to in this act, shall have the following meaning:

"Public body".

(a) The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other political or governmental subdivision of the State of Montana, and shall also include the state board of education, the state board of examiners, the state water conservation board, the state highway commission, or any other governmental agency of this state.

"Bonds".

(b) The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Validation of bonds, proceedings, sale, execution and delivery.

Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or

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commission or officers thereof, to authorize and issue such bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery; and bonds of such public bodies, whether issued or hereafter issued under the authority of proceedings heretofore taken, are and shall be binding, legal, valid and enforceable obligations of such public body.

Bonds of Montana Armory Board not affected.

Section 4. Nothing contained in this act shall be construed or interpreted to validate, ratify, approve or confirm any bonds, debentures, certificates, instruments or other obligations issued by the Montana armory board.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1943.

CHAPTER 118

An Act to Recognize and Determine the Right of Survivorship in Joint Tenancy and Tenancies in Estates by Entirety.

Be it enacted by the Legislative Assembly of the State of Montana:

Right of survivorship in certain conveyances of real property recognized.

Section 1. In all conveyances of real property made in joint tenancy or to tenants in estates by entirety, where the right of survivorship is contained in the grant of such conveyance, the right of survivorship is hereby expressly declared to exist by virtue of such grant.

Approved February 27, 1943.

CHAPTER 119

An Act Amending Section 443 of the Revised Codes of Montana of 1935, Relating to the Traveling Expenses of Certain County Officers Attending Conventions, and

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Particularly Including the Office of County Attorney, and Amending All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 443 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 443. Hereafter no state, county, city or school district officer or employee of the state or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting, or other gathering of public officers save and except for attendance upon such convention, meeting or other gathering as said officer may by virtue of his office be required by law to attend, provided that nothing herein shall prohibit the state board of examiners from authorizing the payment of the necessary traveling expenses of any state officer or employee, whenever in the judgment of the board an emergency exists, and the public interest demands, which reasons are to be spread on the minutes of the board of examiners, and provided further, that the board of trustees of any county or district high school or of any school district may by resolution adopted by a majority of *the* entire board make their district a member of any state association of school districts or school district trustees, or any other strictly educational association and authorize the payment of dues to such association, and the necessary traveling expenses of an employee, or one (1) member of said board, to attend meetings of such association, or other meetings called for the express purpose of considering educational matters. Provided, further, one (1) member of *the* board of county commissioners may be allowed actual transportation expenses and per diem for attendance upon any general meeting of county commissioners or assessors held within the state not oftener than once a year and the proportionate expenses and charges against each county as a member of such association shall also be paid; *provided also that county attorneys are hereby authorized to attend any county attorneys meeting or convention held within the state and are allowed actual traveling expenses not oftener than once a year for attending same.* Provided, further,

Traveling expenses of public officers attending convention of such officers allowable, when.

Trustees of high school or school district.

Board of county commissioners.

County attorney.

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that nothing herein shall be construed to prevent any city or town council, commission or other governing body from paying membership fees and dues in any organization of city and town officials whose purpose is improvement of laws relating to city and town government and their better and more economical administration, and the necessary expense of any regular officer or employee of such city or town in attending any convention or meeting of such organization upon the direction of such council, commission, or other governing body by order upon its minutes stating that the public interest requires such attendance; such payment of membership fees, dues and or expense to be made from such fund of the city or town as the council, commission or other governing body shall direct by such order, upon claim presented, audited and allowed as are other claims against such city or town."

Officers and employees of cities and towns.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 27, 1943.

CHAPTER 120

An Act to Authorize the Establishing of a Capitol Building Fund; Providing the Source of Revenue for the Fund and the Use for Which the Money May Be Spent, Providing However That This Act Shall Not Repeal Chapter 79 of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana, Being an Act Relating to the Construction and Furnishing of a Building as an Adjunct to the State Capitol Building to Be Known as the "Montana Veterans and Pioneers Memorial Building," and Nothing Herein Contained Shall Be Deemed to Repeal, Amend or Alter the Provisions of Said Chapter 79 of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state treasurer is hereby authorized and instructed to set aside in a fund, to be known as the "capitol building fund", all revenue received from the capitol building land grant, from and after the time that

Capitol building fund established.

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sufficient funds have been accumulated to meet the principal and interest on the refunding of the capitol building bonds as authorized in Chapter 133, Session Laws of 1939.

Transfer of certain balances to such fund required.

Section 2. The state treasurer is hereby instructed to transfer any balance or balances to be received, for the credit of the capitol building interest and sinking fund, over and above the amount necessary to pay all interest and principal on the said capitol building bonds as authorized in Chapter 133, Session Laws of 1939, to the capitol building fund.

Dedication of such fund.

Section 3. The funds so accumulated in said capitol building fund shall be held and dedicated for the purpose of constructing capitol buildings or additions, thereto, in accordance with the provisions of Section 12 of the enabling act.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed, provided however that this act shall not repeal Chapter 79 of the session laws of the twenty-seventh legislative assembly of the State of Montana, being an act relating to the construction and furnishing of a building as an adjunct to the state capitol building to be known as the "Montana veterans and pioneers memorial building," and nothing herein contained shall be deemed to repeal, amend or alter the provisions of said Chapter 79 of the session laws of the twenty-seventh legislative assembly of the State of Montana.

Proviso: Chap. 79, 27th assembly, not repealed.

Effective date.

Section 5. This act shall take effect and be in full force from and after its passage and approval.

Approved February 27, 1943.

CHAPTER 121

An Act Authorizing the State Board of Examiners to Issue and Sell Bonds of the State of Montana to Refund Warrant Funding Bonds Issued in Accordance With the Provisions of Chapter 10, Session Laws 1933, and Becoming Redeemable After January 1, 1944, and Providing for the Payment of Such Refunding Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

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Bond issue to pay, redeem and refund bonds issued pursuant to Chap. 10, laws of 1933.

Section 1. That the state board of examiners is hereby authorized and empowered to issue and sell bonds of the State of Montana, payable in lawful money of the United States, for the purpose of paying, refunding and redeeming all bonds issued and sold under and in accordance with the provisions of Chapter 10, session laws 1933, to pay warrants theretofore issued and then outstanding against the general fund of the State of Montana, in an amount sufficient to pay all of such funding bonds becoming redeemable after January 1, 1944, under optional provisions contained in said Chapter 10, and which amount shall not exceed two million four hundred and one thousand dollars ($2,401,000.00).

When redeemable.

Amount.

Date and interest rate.

Section 2. Such refunding bonds shall be dated January 1, 1944, and shall bear interest at a rate not exceeding three and one-half per centum (3½%) per annum, such interest commencing to run on January 1, 1944, and being payable on the first days of July and January of each year, as shall be provided in interest coupons to be attached to said refunding bonds, and said refunding bonds shall become due and payable in the following amounts upon the following dates:

Maturity dates.

January 1, 1945, $250,000.00; January 1, 1946, $260,000.00; January 1, 1947, $270,000.00; January 1, 1948, $280,000.00; January 1, 1949, $290,000.00; January 1, 1950, $300,000.00; January 1, 1951, $315,000.00; January 1, 1952, $325,000.00; January 1, 1953 the balance of such refunding bonds as shall remain unpaid; provided, however, that any or all of said refunding bonds, payable after January 1, 1949, shall be redeemable, at the option of the state board of examiners on January 1, 1949, or on any interest paying date thereafter.

Other terms to be determined by state board of examiners.

Such bonds shall be in such denominations and form, shall contain such recitals, and shall be made payable at such place or places as the state board of examiners may determine, and shall be signed by the governor, the attorney general and the secretary of state, the members of said state board of examiners, but the interest coupons may bear facsimile signatures of the members of said board.

Tax levy for payment of such bonds.

Section 3. There shall be and there is hereby levied annually upon all property in the State of Montana subject to taxation, an ad valorem tax on each dollar of the assessed valuation of such property, sufficient in amount

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to pay the principal and interest on said bonds, as the same become due and payable, which tax shall be computed against the different classes of taxable property on the percentage value thereof for taxation purposes, as such percentages may be provided by law, and which tax when collected shall be placed by the state treasurer in a fund to be known as the "refunding warrant bond sinking and interest fund", and shall be used for the payment of the principal and interest of said bonds and for no other purpose; provided, however, that the amount of all license taxes received and collected during each fiscal year and which are required to be deposited to the credit of the general fund of the state, other than the gasoline refiners', distributors' or dealers' license taxes, shall, beginning with the first day of July of each fiscal year, be set aside and kept by the state treasurer in a special and separate fund and applied in payment of the principal and interest of such refunding bonds as such principal and interest become due and payable during the next following fiscal year or within thirty days after the end thereof; and provided further, that if during any such fiscal year, and before the end thereof, there shall accumulate in such special and separate fund from such license moneys an amount sufficient to pay all of such principal and interest becoming due and payable during the next following fiscal year and within thirty days thereafter, then during the remainder of such fiscal year all such license moneys thereafter received and collected by the state treasurer during said fiscal year shall be deposited to the credit of the general fund of the state. The state board of equalization shall, between the first and second Mondays in each year, beginning with the year 1944, calculate and determine the amount required to pay the principal and interest thereafter becoming due and payable during the then current fiscal year, and within thirty days thereafter, and the amount of such license moneys standing to the credit of such special and separate fund at the close of business on the first day of July immediately preceding and applicable to the payment of the principal and interest of such bonds, and after deducting such amount from the amount required to be paid as such principal and interest during the then current fiscal year and within thirty days thereafter, shall calculate, determine and fix a rate of tax levy sufficient to produce the balance of the amount, if any, required to pay such principal and interest be-

Refunding warrant bond sinking and interest fund.

Proceeds of license taxes, to be applied.

Surplus to be credited to general fund.

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coming due and payable during such fiscal year and within thirty days thereafter. The state board of equalization shall annually, and not later than the second Monday in August certify such tax levy, as calculated, determined and fixed by such board, to the county clerks of the several counties of the state and such county clerks shall compute and enter such taxes on the assessment books, and such taxes shall be collected and transmitted by the county treasurer to the state treasurer in the same manner as other taxes for state purposes are collected and transmitted.

State board of equalization to fix tax levy rate annually.

Section 4. Said bonds may be sold by the state board of examiners at such time, in such manner and in such amount not exceeding two million four hundred and one thousand dollars ($2,401,000.00) as the said board shall deem for the best interests of the state in carrying out the purpose for which the issuance of said bonds is authorized; provided that such bonds shall not be sold for less than par. The bonds, or any thereof, may be exchanged for any of such outstanding warrant funding bonds becoming due after January 1, 1944, and in case of any such exchange the state board of examiners shall fix the rate of interest which such refunding bonds shall bear, not exceeding three and one-half (3½%) per centum per annum. If the state shall hold any of such funding bonds as investments of institutional or other funds the same may be exchanged for the refunding bonds authorized to be issued by this act, if such exchange be authorized by the proper state officers or boards.

Sale of bonds.

Exchange for outstanding warrant funding bonds.

Section 5. Each of said bonds shall be registered before delivery with the state treasurer who shall keep accurate accounts of payment of principal and interest of such bonds.

Registration.

Section 6. If such refunding bonds are issued and sold or exchanged as herein authorized, all moneys in the state treasury standing to the credit of the funding bond sinking and interest fund, at the close of business on December 31st, 1943, after deducting therefrom any amount required to pay the principal and interest of such funding bonds becoming due and payable on January 1, 1944, shall have been deducted therefrom, shall be, by the state treasurer transferred to and become a part of the refunding warrant bond sinking and interest fund provided for

Transfer of moneys to refunding warrant bond and sinking and interest fund.

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by Section 3 of this act, and any and all taxes theretofore levied for the funding bond sinking and interest fund in accordance with the provisions of Section 3 of said Chapter 10, Session Laws 1933, and not received by the state treasurer until after December 31st, 1943, shall be, when received by him, deposited to the credit of the "refunding warrant bond sinking and interest fund."

Appropriation for expense of issuance and sale of bonds.

Section 7. There is hereby appropriated from the general fund of the State of Montana, not otherwise appropriated, one thousand five hundred dollars ($1,500.00), or so much thereof as may be required, for the purpose of paying the expense incident to the issuance and sale, or exchange of said refunding bonds, which appropriation shall be deemed and held valid notwithstanding the provisions of the state budget law.

Effective date.

Section 8. This act shall be in full force and effect on and after its approval.

Approved February 27, 1943.

CHAPTER 122

An Act Authorizing and Empowering the State Board of Land Commissioners to Lease to the United States of America for Military Purposes Any Land Owned by the State of Montana, Whether Such Land Was Received by the State Through Federal Land Grants or Whether Consisting of So Called "Mortgage Lands," and on Such Terms and Conditions as Said Board of Land Commissioners May Deem Necessary to Promote the Public Welfare and Protect the Interests of the State, Except as to Rentals, the Amount of Which Are Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Lease of state owned land to the United States for military purposes authorized.

Section 1. Notwithstanding any inconsistent provision of law, general, special or local, the state board of land commissioners of the State of Montana, whenever it deems it to be in the public interest, may lease to the United States of America, for military purposes, any land owned by the State of Montana, whether such land was received by the state through federal land grants, or whether such

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land consists of so called "mortgage lands", on such terms and conditions as it may deem necessary to promote the public welfare and protect the interests of the state; provided, however, that rental shall be payable at the end of each year of said lease.

Effective date.

Section 2. This act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 27, 1943.

CHAPTER 123

An Act to Amend Section 3914, Revised Codes of Montana, 1935, Creating the Montana Trade Commission and Making the Montana State Board of Food Distributors Ex Officio the Montana Trade Commission and Repealing Section 14 of Chapter 49 of the 1939 Session Laws of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3914, Revised Codes of Montana, 1935, shall be, and the same is hereby amended, to read as follows:

"Section 3914. **Creation of Commission.** *An administrative and supervisory* commission is hereby created and established, to be known as the Montana trade commission (hereinafter referred to as 'the commission'), and the *Montana state board of food distributors* shall be, ex officio, *and said board is hereby made the* Montana Trade Commission hereby established. *The Montana state board of food distributors, ex officio Montana trade commission, hereby established, shall have and possess all of the powers, and shall discharge, perform and carry out all of the duties prescribed by Sections 3945 to 3946, Revised Codes of Montana, 1935, as amended by Chapter 30 of the laws of the twenty-fifth legislative assembly of the State of Montana, 1937, and Chapter 50, laws of the twenty-sixth legislative assembly of the State of Montana, 1939, and Chapter 100, laws of the twenty-seventh legislative assembly, 1941, and shall have such further powers and discharge such other duties as may be assigned to it by law. The Montana state board of food distributors proper shall*

Creation of commission.

Powers and duties.

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continue under that head to possess such powers and discharge such duties as are prescribed by law."

Repealing clause.

Section 2. That Section 14 of Chapter 49 of the 1939 session laws of the State of Montana and all acts and parts of acts in conflict therewith are hereby repealed.

Effective date.

Section 3. This act shall take effect from and after its passage and approval.

Approved February 27, 1943.

CHAPTER 124

An Act to Amend Section 5242 of the Revised Codes of Montana of 1935, Relating to Care of Street Parking and Resolution Levying Assessment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5242 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Care of street parking.

"5242. **Care of Street Parking—Resolution Levying Assessment.** Where trees have been planted, grass plots constructed, and grass sown thereon, or any one or more of said improvements have been made in a special improvement district, it is hereby made the duty of the council of said city or town to cause said trees and grass to be watered, the grass cut, and trees trimmed, and to otherwise maintain and preserve said improvements, as the council shall deem suitable and proper, and the whole cost of maintaining said improvements, *including the liquidation amount, if any, hereinafter provided for,* shall be paid by assessing the entire district in either one of the two methods set forth in Section 5238 of this code. It shall be the duty of said council to estimate, as near as practicable, the cost of maintaining the improvements in each district for the season; and before the first Monday in September of each year, the council shall pass and finally adopt a resolution levying and assessing all the property within the several districts with an amount equal to the whole cost of maintaining said improvements within the several districts, and in the manner hereinabove pro-

Resolution levying assessments.

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vided, *and may further, until full liquidation is realized, include therein an amount not to exceed twenty per centum (20%) of any floating indebtedness, consisting of valid outstanding warrants drawn and issued against the maintenance funds of the respective districts, existing at the close of business on the 30th day of June, 1943, together with not to exceed such per centum of the current interest thereon from such last mentioned date, which moneys derived from such portion of such levy and assessment for such additional amount, if included in such levy and assessment, may only be expended toward liquidating such floating indebtedness, together with the interest thereon, and not otherwise.* Said resolution levying assessments to defray the cost of maintenance of such improvement, *including such additional amount, if any, towards liquidation of such floating indebtedness,* shall be in every manner prepared and certified to the same as a resolution levying assessments for making improvements in said special improvement districts, and the money collected *therefrom* shall be paid into a fund known as "special improvement district No..... maintenance fund", the number of which shall correspond with the number of the special improvement district in which the improvements so maintained are situate; provided, however, that the city *or town* council shall have the power not more than once in a year of changing by resolution the boundaries of any maintenance district, but such change of boundaries shall not affect indebtedness existing at the time of such change."

Money collected to be placed in designated fund.

Approved February 27, 1943.

CHAPTER 125

An Act to Promote Dental Health of the People by Creating a Division of Dental Health and Providing for a Director.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a division of dental health be, and the same is hereby created, which shall be under the direct supervision of the state board of health, and conducted by a full time director of dental health.

Division of dental health created.

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Director, his qualifications.

Section 2. The director of dental health shall be a regularly licensed dentist who shall have had at least one school year of training in an accredited school of public health.

Duties of division of dental health.

Section 3. The duties of the division of dental health shall be the development and promotion of those activities which result in the protection and improvement of the dental health of the people of the state.

Rules and regulations by state board of health.

Section 4. The state board of health shall adopt rules and regulations for the proper administration of this act. The state board of health through the division of dental health shall have supervision over the dentists employed by municipalities, counties, school districts, and custodial institutions.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1943.

CHAPTER 126

An Act to Amend Section 2566 of the Revised Codes of Montana, 1935, Relating to the Examination, Dentention and Quarantine of Persons Suspected of Having Venereal Disease and of Persons Suspected of Engaging in Promiscuous Sexual Intercourse and Prescribing the Duties of State, County and Local Health Officers in Detecting Sources of Infection of Venereal Diseases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 2566 R. C. M., 1935, amended.

Section 1. That Section 2566 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 2566. State, county, and local health officers, their authorized deputies *or agents*, within their respective jurisdictions, are hereby directed and empowered, when in their judgment it is necessary *or desirable* to protect

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or safeguard the public health, *or to restrict or suppress prostitution,* to make examinations of persons reasonably suspected of being infected with venereal disease, *and of prostitutes and of any persons reasonably suspected of engaging in promiscuous sexual intercourse,* and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured; and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. *Such examinations may be made repeatedly as often as deemed advisable or desirable.* It shall be the duty of all local, county, and state health officers, or their authorized deputies, within their respective jurisdictions, to investigate sources of infection of venereal disease, to co-operate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution."

Health officers directed to take certain action to safeguard public health and restrict or suppress prostitution.

Detention and examination of suspected persons.

Investigation of sources of infection.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 27, 1943.

CHAPTER 127

An Act Relating to the Life of Corporations and Particularly to the Term of Existence of Certain Corporations and Reviving and Extending the Term of Existence of Such Unliquidated Corporations Which Have Continued to Conduct Business in the Corporate Form and Name After the Term of Existence of Such Corporations May Have Expired; Validating the Acts of Such Corporations and Their Directors, Officers and Agents, Between the Date of the Expiration of the Term of Existence of Such Corporations and the Date of the Revival or Extension of Their Corporate Existence as Herein Provided; Providing That Extensions of the Term of Existence of Such Corporations Shall Be

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Deemed to Take Effect as of the Time of the Completion of Stockholders' Action With Reference to Such Extension, Provided a Certificate or Other Document Disclosing Such Stockholders' Action and Disclosing the Intention of Stockholders to Continue or Consent to an Extended Term of Corporate Existence Has Been or Is Filed as Required Hereby.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any private corporation formed under and by virtue of a compliance with the laws of the territory of Montana or the State of Montana, has by and through its proper officers, called, noticed, and held a regular or special meeting of the stockholders of said corporation in accordance with the by-laws thereof and as required by the provisions of the existing law applicable to such corporations, in respect to the matter of extending the original or extended term of existence of such corporations; and at which meeting of stockholders, so called and noticed, or in lieu of notice, at which all of the stockholders of such corporation were present either in person or by proxy and, in writing on the minutes of the meeting, consented to the holding of the meeting and the consideration of the subjects for which the meeting was convened, there was introduced and adopted a resolution electing or consenting to the continuance of the existence and to extend the term of the existence of such corporation for a further definite period, not in excess of the period then limited by law, which said resolution was adopted by the affirmative vote of stockholders holding and owning at least two-thirds (2/3rds) of all the issued and outstanding stock of said corporation, thereupon, and immediately at the conclusion of said vote the corporate life of said corporation and the term of its existence was and is hereby declared to have been extended in accordance with the true intent and meaning of such resolution.

Procedure for extension of life of corporations.

Section 2. It is, however, provided and made a condition of this act that, in order that any such corporation herein referred to may avail itself of the provisions of this act or receive the benefits thereof, such corporation must have continued without interruption to carry on the business of said corporation under the corporate form and name; provided further that in order that any such corporation may avail itself of the provisions of this act

Prerequisite conditions.

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or receive the benefits thereof, such corporation must have filed, or caused to be filed, within one year after the date of said meeting, in the office of the county clerk and recorder of the county in which the principal place of business of said corporation was then located and a duplicate or certified copy thereof in the office of the secretary of the State of Montana, a certificate or a copy of the minutes or other document evidencing or disclosing the intention of the stockholders of such corporation to elect to continue or to consent to the continuance or to authorize the extension of the original or extended term of existence of said corporation for a definite period of time not in excess of the period then permitted by law, which said certificate, copy of the minutes, or other document, shall have been signed by the chairman of said meeting and by the secretary thereof and verified by said chairman, regardless, however, of whether such filing in the office of the county clerk and recorder of such county or in the office of the secretary of state of the State of Montana shall have occurred before or after the date of the expiration of the term of existence of said corporation as originally provided in its articles of incorporation, or as provided in any extension of the term of the existence of said corporation and without regard to the form of said certificate, copy of minutes, or other document, provided the intention to extend the term of the existence of said corporation or to consent to such extension is clearly shown in said certificate, copy of minutes, or other document, signed and verified, as herein provided.

Certificate of intention.

Section 3. The corporate acts of all such corporations whose charters or extended terms of existence have expired, or whose charters or extended terms of corporate existence would have expired, except for the provisions of this act, and of the directors, officers and agents of such corporations, which such corporations and their directors, officers and agents were legally authorized to do prior to the expiration of their charters or extended terms of corporate existence, are hereby legalized, authorized and declared to be legal and valid in all particulars and of full force and effect to the same extent as though done and made prior to the expiration of the terms for which such corporations were originally incorporated or for which their corporate existence was extended.

Validation of corporate acts.

Section 4. This act is purely curative in purpose and

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Purpose of act.

intent and is designed to revive, restore, and extend the corporate life and term of existence of corporations herein described, which have continued and still continue to carry on business in the corporate form and name, but in respect to the content of the certificate, copy of minutes, or other document, herein required some defect may appear or the filing of such certificate, copy of minutes, or other document, hereinabove required may have been filed after the date of expiration of the original or extended term of existence sought to be extended.

Act is additional.

Section 5. This act is not intended to repeal, amend, or affect any existing law, but shall be in addition to any other method or methods of reviving, renewing, or extending the term of corporate existence.

Approved February 27, 1943.

CHAPTER 128

An Act to Amend Section 2916 of the Revised Codes of Montana, 1935, Relating to Workmen's Compensation; Providing for Additional Compensation in Case Death Occurs While Employee Is Drawing or Entitled to Draw Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2916 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

Additional compensation in case death occurs while employee is drawing or entitled to draw compensation payment.

"2916. **Providing for Additional Compensation in Case Death Occurs While Employee Is Drawing or Entitled to Draw Compensation Payment.** There shall be paid in addition to other compensation, if death due to injury occurs while the employee is drawing or entitled to draw compensation payment, the reasonable burial expenses of the employee, not exceeding *two hundred and fifty dollars ($250.00).*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1943.

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CHAPTER 129

An Act to Amend Section 4444.2 of the Revised Codes of Montana, 1935, Relating to Expenditures for Maintenance of Parks and Public Camping and Recreational Grounds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4444.2 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 4444.2. **Use of Land—Limitation of Expenditures.** All tracts of land acquired under this act shall be set aside and used exclusively for public camping and recreational purposes, and each park so established shall be given an appropriate name or number. No county shall be authorized to expend to exceed two hundred fifty dollars ($250.00) for the purpose of acquiring and equipping parks as herein provided, nor may any county thereafter expend to exceed *twenty-five hundred dollars ($2,500.00) per year out of the general fund of the county* in maintenance of the same."

Use of land.

Limitation of expenditures.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 27, 1943.

CHAPTER 130

An Act to Amend Section 10,375 of the Revised Codes of Montana, 1935, Relating to the Termination of Life Estates, and Providing for the Procurement of a Court Decree Declaring the Termination of a Joint Tenancy.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10,375 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

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Termination of life estate or joint tenancy.

"Section 10,375. *Termination of Life Estate or Joint Tenancy. When the death of a person terminates a life estate or affects a joint tenancy* any person interested in the property or in the title thereto, in which such life estate was held, *or such joint tenancy existed,* may file in the district court of the county in which the property, *or some part thereof,* is situated, his verified petition, setting forth such facts *and particularly describing the property and his interest therein, and naming all persons who claim or might claim an interest therein as personal representative, heir, devisee or legatee of the decedent, so far as known to the petitioner.*

Hearing and notice thereof.

"The clerk shall thereupon set the petition for hearing by the court and give notice thereof by causing notice of the time and place of hearing to be posted in three public places in the county where the court is held, at least ten (10) days before the hearing and provided the court may order such further, or other, notice to be given, as in his judgment may seem proper.

"The court or the judge shall hear such petition, and the evidence offered in support thereof, and if, upon such hearing, it shall appear that such life estate of such deceased person absolutely terminated by reason of his death, *or that such joint tenancy was affected by the death of such deceased person,* the court or judge shall make an order to that effect, and thereupon a certified copy of such order may be recorded in the office of the county clerk *of each county in which any part of the property is situated,* and thereafter shall have the same effect as a final order of distribution so recorded.

Order of court.

Recordation.

Determination relative to inheritance tax.

"If no proceeding has been had or is pending to determine whether any inheritance tax is payable by reason of such death, the court or judge may determine in a proceeding under this section whether an inheritance tax is due by reason of the death of such person, and the amount thereof, if any. If it is desired to have the court or judge determine the liability for inheritance tax, and the amount thereof, appropriate allegations to that effect shall be included in the petition, and a copy of such petition, and notice of the time and place of hearing, shall be mailed to the state board of equalization by the clerk of the court, at least ten (10) days before the date set for hearing."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 27, 1943.

CHAPTER 131

An Act to Amend Sections 4525, 4526, and 4527 of the Revised Codes of Montana, 1935, Relating to the Time for Publishing Notice Calling for Bids and for Letting Contracts for the Care of Poor and Indigent Sick and Infirm and of the Time for Making Contracts for Medical Attendance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4525 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"4525. **Care of County Poor and Indigent Sick and Infirm—Letting of Contracts by Commissioners.** The board of county commissioners may, at its regular meeting in *May* of each year, make an order directing the clerk of the board to publish a notice in a newspaper inviting sealed proposals for the care, support and maintenance of the poor of the county per capita by the week for a period of one year, said proposals to include the entire cost of feeding, clothing and maintaining the county poor; and inviting sealed proposals for the care, support and maintenance of the indigent sick and infirm of the county for a period of one year, said proposals to include the entire cost of feeding, clothing, hospital care and nursing for such indigent sick and infirm and Christian and respectable burial expenses. Such notice must be published once a week for four successive weeks in the official newspaper of the county. *Providing, however, that in August of 1943 there shall be published notice as provided herein calling for bids for the care of the poor between the time of the expiration of the existing contract and June of 1944, it being the intention that hereafter all contracts shall be made as of June of each year to run for a period of one year.*"

Care of county poor and indigent sick and infirm.

Bids or proposals and notice required.

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Section 2. That Section 4526 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"4526. **Contracts for Care of Poor and Indigent Sick and Infirm.** Separate proposals may be made for the care, support and maintenance of the county poor, and for the care and maintenance of the indigent sick and infirm of the county, and such proposals shall be addressed to the clerk of the board. The board may annually, at its *June* meeting, award a contract for the care, support and maintenance of the county poor for the ensuing year to the lowest responsible bidder or bidders therefor, and may also award a contract for the care and maintenance of the indigent sick and infirm of the county for the ensuing year to the lowest responsible bidder or bidders therefor; provided, that if the lowest responsible bidder or bidders for the care, support and maintenance of the county poor shall also be the lowest responsible bidder or bidders for the care and maintenance of the indigent sick and infirm of the county, both of such contracts may be awarded to such bidder or bidders; and provided further, that if a county owns a county poor farm, with suitable buildings of sufficient size to care for the poor and indigent sick and infirm of the county, the county commissioners of such county may employ some suitable person as superintendent of such poor farm, and the county may maintain the said poor and indigent sick and infirm at said farm at the expense of such county. Such superintendent shall at all times be under the control of and subject to the orders of the board of county commissioners, and may be removed by them at any time. *Providing, however, that at the expiration of the existing contract which expires in September 1943, there shall be a contract let terminating in June 1944, and thereafter all contracts shall be made at the June meeting and to run for a period of one year.*"

Contracts for care of poor and indigent and infirm.

Proviso.

Section 3. That Section 4527 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"4527. **Contract for Medicines and Medical Attendance.** The board must annually, at their *June* meeting, make a contract with some resident practicing physician to fur-

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nish medical attendance to the sick, poor, and infirm of the county, and to the inmates of the county jail, and must also make provision for the furnishing of medicine to the same; provided, however, that the board may let such contract for the furnishing of medical attendance to the physician appointed by such board as county health officer, and may fix a salary or other rate of compensation to be paid to such county health officer for the furnishing of such medical attendance, which salary or other compensation shall be in addition to the salary of such physician as county health officer. Said board may also, when in its judgment the interests of the county require, appoint a deputy county health officer who need not be a resident of the county but who shall be located at a point where he can serve people living in a portion of said county adjacent to his point of residence. The boards of county commissioners of two or more adjacent counties may also, when in their opinion the needs of the county poor living at a distance from the residence of the county health officer, will be better served by such an arrangement, unite in employing a special deputy county health officer whose duty it shall be to attend to the needs of the county poor in any designated part of said adjacent counties.

Contract for medicines and medical attendance.

Joint action by two or more counties.

"The county commissioners of the several counties uniting in such an arrangement shall fix the compensation of such special deputy and such several counties shall bear the cost of same on some equitable division. *Providing, however, that at the December meeting in 1943, a contract shall be made expiring at the time of the June meeting in 1944, and at the June meeting a contract shall be made to run for a period of one year, it being the intention to have such contracts made at the June meeting so that the board of county commissioners can more intelligently prepare its budget for the ensuing year.*"

Date and expiration of contract.

Section 4. Whenever, under existing laws, the board of county commissioners is authorized to make contracts for one year and no time is specified when the contracts shall be made, it shall be the duty of the county commissioners hereafter whenever possible, to make such contracts in the month of June of each year so that they will be better enabled to prepare their budget which under existing laws, must be prepared during the month of July. If any contracts have heretofore been made at any other time of the year and the contracts expire before the

Contracts, when to be made.

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month of June, 1944, the county commissioners shall make a contract for the period between the time when the contracts now expire and June, 1944, and thereafter make the contracts as of the month of June each year.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1943.

CHAPTER 132

An Act to Amend Sections 3117, 3118, 3122, 3123 and 3124 of the Revised Codes of Montana, 1935, Relating to the Organization of the Board of Medical Examiners of the State of Montana: Registering Applicants for License; Examination and Qualifications of Persons Licensed to Practice Medicine and Surgery in the State of Montana; and Relating to Rules and regulations to Be Prescribed by Said Board; Practicing Medicine Without Certificate; Penalties; Providing for Fees for Examination; and Admission on Examination; Reports; and for an Annual Registration Fee; Compensation of Board Members, Employees, Counsel and Secretary from Board Funds; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3117 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 3117. **Organization of Board—Register—Rules.**

Organization of board.

"The board of medical examiners must, on the first Tuesday of April of each year, elect from among their number a president, *vice president*, secretary, and treasurer. *The board must adopt a seal, upon which shall appear the words, 'The board of medical examiners of Montana' and the further words, 'official seal', and all acts, rules and regulations certificates and licenses shall be authenticated by said seal.* Four members of said board shall constitute

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a quorum. The president and secretary shall have power to administer oaths in examination of applicants for certificates, and to witnesses called before the board in the transaction of business, *hearings or other proceedings* under the provisions of this act. The board of *medical* examiners must hold meetings for examinations at the seat of government on the first Tuesday in April and in October of each year, *and may hold meetings* at such other times and at the same, or other places, as the board *or its officers herein authorized* may determine. The board must keep a record of all *its* proceedings and also a register of all applicants for a certificate, with the age of the applicant, time spent in the study of medicine, and the name and location of all the institutions granting to such applicant degrees or certificates of lectures attended, in medicine *and* surgery. The register must also show whether applicant was rejected, or has received a certificate under this act; such register is prima facie evidence *of the verity* of all the matters kept therein. *The president or the secretary of the board may call such special meetings of the board as may be deemed advisable or necessary. The board shall have the power to make, prescribe and promulgate rules and regulations to carry out and enforce the terms and provisions of the medical practice act of the State of Montana, 1935, and as amended or supplemented, including rules and regulations governing admission by reciprocity.*"

Register of applicants.

Special meetings.

Rules and regulations.

Section 2. That Section 3118 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 3118. **Examination and Qualifications of Applicants.**

"Every person *who is an applicant* to practice medicine *and* surgery *in the State of Montana* shall apply to said board *of medical examiners* for a certificate so to do. Every person applying shall present his or her diploma to the said board for verification as to its genuineness;

Examination and qualifications of applicants.

"(*a*) if the diploma is found to be genuine, and is issued by a *university, college or school currently approved by the council on medical education and hospitals of the American medical association*, which fact said board shall determine, and

"(*b*) if the person presenting and claiming said diploma

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be the person to whom the same was originally granted, *said person shall thereupon, submit to an examination* at a time and place designated by said board, *which may be the time and place of* a regular meeting of said board, in *and upon each of* the following branches *of medicine and surgery*, to-wit: Anatomy, physiology, materia medica, therapeutics, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, *and* diseases of the eye and ear. Said board shall cause such examination to be both scientific and practical, and of sufficient *breadth*, thoroughness and *intensity* to test the candidate's fitness to practice medicine and surgery. After examination, such board, if the candidate has been found qualified, shall grant a certificate to such candidate to practice medicine and surgery in the State of Montana, which said certificate can be granted only by the consent of not less than four (4) members of said board, and which said certificate shall be signed by the president *and signed and attested by the* secretary of said board and *authenticated* by the seal thereof; provided, however, that in all cases where an applicant for a certificate under this section shall produce and exhibit to said board a *genuine* certificate from a board of medical examiners *(however designated by the law of any other state)* duly appointed and existing under the laws of any state of the United States, *and which state through its said board* recognizes certificates or licenses *issued by the board of medical examiners of Montana*, certifying to the *facts:*

Examination, subjects or branches included in.

Certificate to practice.

Certificate or admission by reciprocity.

"*(a)* that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state issuing said certificate, and that said board issuing said certificate has subjected the applicant to a thorough *written* examination to ascertain this fact, or certifying to the *facts;*

"*(b)* that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state issuing said certificate; and to the further fact, if such is the case, that said applicant was exempt from examination under the provisions of the law of said state, by reason of his residence in said state in the active practice of medicine and surgery at the time of the passage in said state of said law requiring the examination of applicants to practice medicine and surgery; *and if said board of medical examiners is satisfied and finds that the re-*

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quirements for admission to the practice of medicine and surgery in such other state, past or current, are the equivalent of the Montana requirements:

he or she may, *in* the *sound* discretion of said board of *medical* examiners *of Montana*, upon paying the fee required of applicants for examination under the provisions of Section 3123, and otherwise complying with all the requirements of *the medical practice act of Montana*, receive from said board of *medical* examiners *of Montana* a certificate to practice medicine and surgery within this state, and upon filing said certificate with the county clerk of the county in which he resides, as provided in Section 3120, *said person* shall be a legally qualified practitioner of medicine and surgery in *the* State *of Montana: provided, however, that the board may, in any case of an applicant for admission by reciprocity, require a full written examination of said applicant.* During any period intervening between *the regular meetings* of said board of *medical* examiners, any person desiring to practice medicine in this state may present his or her diploma to the president or secretary of said board, who may, *upon the concurrence of any four (4) members of the board*, issue a *temporary* certificate *to practice, valid only* until the next regular meeting of said board. All physicians and surgeons who hold certificates *heretofore* granted by the existing board of medical examiners *of Montana*, or who are now legally entitled to practice medicine and surgery in this state, shall be exempt from the provisions of this section. *Licenses or certificates to practice medicine and surgery in the State of Montana shall be issued only to citizens of the United States of America. The board may, by specific regulation, prescribe and enforce reciprocity requirements current with changes in standards in the practice of medicine and surgery.*"

Temporary certificate.

Citizenship.

Section 3. That Section 3122 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 3122. **Practicing Medicine Without Certificate; Penalties.** Any person practicing medicine or surgery within this state without first having obtained a certificate to practice, as provided by law, and after his certificate to practice has been revoked, or contrary to the provisions of this article, shall for each violation of the

Practicing medicine without certificate, penalty for.

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Misdemeanor.

provisions of this code, or any act relating to the practice of medicine or surgery in this state, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000.00), nor less than two hundred and fifty dollars, ($250.00), or by imprisonment in the county jail not exceeding one year, nor less than ninety (90) days, or by both said fine and imprisonment, as the court may determine. Any person shall be regarded as practicing within the meaning of this article who shall append or affix the letters M. B. or M. D., or the title of Dr., or Doctor, or any other sign or appellation in a medical sense to his or her name, who shall publicly profess to be a physician or a surgeon, who shall publicly profess either on his own behalf, in his own name, in his trade name, or on behalf of any other person, corporation, association, partnership, either as manager, bookkeeper, solicitor, or other agent, to cure, treat, relieve, or palliate any ailment, disease, or infirmity of the mind or body of another by using or prescribing any drug, medicine, or surgical treatment, or who shall recommend, prescribe, or direct, for the use of any person, any, drug, medicine, appliance, apparatus, or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture, or bodily injury, or other deformity, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift, or compensation; provided, however, that nothing in this section shall be construed to restrain or restrict any legally licensed osteopathic practitioner *and chiropractors* practicing under the laws of this state. Nothing in this act shall prohibit any legally licensed pharmacist or mercantile dealer from selling any drugs or medicines which are now allowed to be sold under the laws of the State of Montana or the United States."

Osteopathic practitioners and chiropractors excepted.

Section 4. That Section 3123 of the Revised Codes of Montana, be, and the same is hereby amended to read as follows:

"Section 3123. **Fees for Examination for** *Admittance —Annual License.*

Fees for examination for admittance.

"Candidates for examination shall pay in advance to the secretary of the board of medical examiners a fee of fifty dollars ($50.00), which fee shall defray the entire

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expenses of said candidate for examination before the board of *medical* examiners. Any one failing to pass the required examination shall be entitled to a second examination within six months without *additional* fee. Candidates who shall be granted *certificates* to practice medicine *and surgery* in the State of Montana under the reciprocity provisions of Section 3118 without examination, shall, before receiving certificate of authorization to practice medicine in this state, pay to the secretary of the board of medical examiners a fee of seventy-five dollars ($75.00).

Annual registration fee.

"In addition to the respective license fees required of applicants, every licensed physician and surgeon practicing within the State of Montana shall pay each and every year to the secretary of the board, an annual registration fee not to exceed the sum of five dollars ($5.00), as may be prescribed by the board. The monies so received *from the foregoing and every other source*, shall be turned over, *by said secretary*, to the state treasurer, *and shall be by the state treasurer* deposited in the *board of medical examiners* fund as provided by law. *In the event any person licensed to practice medicine absents himself from the state for a period of one or more years, or does not engage in active practice within the State of Montana, he may continue his license in good standing by the payment of one dollar ($1.00) each year, or, at the discretion of the board, he may be reinstated upon the payment of a fee of one dollar ($1.00) for each year's absence. Such annual payments for registration shall be made prior to May first in each and every year, and receipt of certificate of annual registration therefor shall be issued by the secretary of the board.*

Default in payment of fee.

In case of default in the payment of the annual registration fee by any person licensed to practice medicine and surgery, his underlying certificate to practice medicine and surgery shall be revoked by the board upon thirty (30) days' notice given to the delinquent of the time and place of considering such revocation. A registered letter addressed to the last known address of the person failing to comply with the requirement of annual registration, as such address appears upon the records of the board, shall constitute sufficient notice of intention to revoke his underlying certificate, but no certificate shall be revoked for such non-payment if the person authorized to practice medicine, and so notified, shall pay such annual registration fee before or at the

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time fixed for consideration of revocation together with a delinquency penalty of five dollars ($5.00); provided further, that said board may collect any such dues by action at law.''

Section 5. That Section 3124 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 3124. **Compensation** *and Expenses Allowed* **Board Members**—*Employment of Clerks and Counsel—Secretary's Compensation.*

Compensation and expenses allowed board members.

"Each member of the board is hereby allowed the sum of ten dollars ($10.00) per day and mileage while in the active and necessary discharge of his duties *as a member of said board.* There is hereby established a fund to be known as the *board of medical examiners* fund. *All* monies in such fund shall only be paid out by warrant *drawn* on said fund *after* an order *therefor* drawn by the secretary, and countersigned by the president, *of said board.* The rate of mileage and attendance *of witnesses* before said board shall be the same as is now allowed in justice of the peace courts. The board must report annually on the first Monday of November to the governor, which report must show all the transactions of the board, giving the number of applications received, and from whom received, the number of certificates granted and *those* rejected, giving the reasons therefor, the amount of money received, the expenses, the fees and mileage paid, and by whom received, and the amount of money remaining in said fund. *The board may employ such clerical help and legal counsel as may be necessary to carry out the terms and provisions of this act. Such clerical help and counsel must be compensated only out of the said fund as fixed by the board. The secretary of the board shall receive such reasonable compensation for his services as may be fixed by said board.''*

Employment of clerks and counsel.

Secretary's compensation.

Repealing clause.

Section 6. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1943.

CHAPTER 133

An Act Authorizing the Board of Railroad Commission-

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ers of the State of Montana to Issue During the Present World War, Without Notice of Hearing, Certificates of Public Convenience and Necessity to Motor Carriers for a Period of Time Not to Exceed Thirty Days in Such Cases as the Board of Railroad Commissioners Shall Deem Emergency Cases and Providing for the Cancellation of Such Certificates.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act shall be Code Section 3847.29.

Section 2. During the present world war the board of railroad commissioners of the State of Montana shall be authorized to grant, without notice of hearing, applications of motor carriers for temporary certificates of public convenience and necessity for a period to be fixed by the board not to exceed thirty (30) days, when, in the judgment of the board, an emergency exists and public convenience and necessity requires it, and to issue such certificates for such period; provided, however, that at any time prior to the expiration of such period, the board shall have the power to cancel any such certificate after five (5) days' notice to the motor carrier holding the same, when, in the judgment of the board, an emergency no longer exists and public convenience and necessity no longer requires it; provided further, that transportation service rendered under such temporary authority shall be subject to all applicable provisions of the motor carrier act, Chapter 310 political code of Montana, 1935, and to the rules, regulations and requirements of the board thereunder, except that the fee for such application shall be five dollars ($5.00) and the minimum annual gross operating revenue fee, as fixed by Section 3847.27, Revised Codes of Montana, 1935, need not be paid.

Board of railroad commissioners authorized during emergency to grant temporary certificates

Cancellation.

Fee for application.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall take effect and be in force from and after its passage and approval by the governor.

Effective date.

Approved March 1, 1943.

CHAPTER 134

An Act to Amend Section 7264.2 of the Revised Codes of

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Montana of 1935, Relating to the Organization of Irrigation Districts by Owners of Water Rights, Having a Common Source of Supply and a Single Intake From Such Common Source of Supply, for the Purposes of Operation and Administration of Said System Without the Necessity of the Acquisition by Such Irrigation District of the Existing Water Rights, System or Works Owned by the Respective Water Right Owners Within the District, and Conferring on Such Districts the Powers, Duties and Status of Public Corporations organized Under the Irrigation District Law of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7264.2 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Application of act; requirements.

"7264.2. **Application of Act—Requirements.** This act shall apply only when more than *fifteen (15)* owners of land, with water rights appurtenant thereto, shall have diverted water by means of a single intake from the source of supply, and shall have provided a single canal for conveying such water to the branches and laterals of an established irrigation system, serving at least one thousand (1000) acres of land contiguous in location or of reasonably compact area, and in which the rights to the use of the water shall have been determined by decree of a court of competent jurisdiction."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

CHAPTER 135

An Act to Amend Section 3079 of the Revised Codes of Montana, 1935, Relating to Hours of Labor for All State, County and Municipal Governments, Mines, Mills and Smelters; Providing Exceptions in Cases of Emergency When Life or Property Are in Imminent Danger.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That Section 3079 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"3079. **Hours of Labor for State and Municipal Governments, Mines, Mills, Smelters.** A period of eight hours shall constitute a day's work in all works and undertakings carried on or aided by any municipal, county, or state government, first class school districts, and on all contracts let by them, and for all janitors, except in court houses of sixth and seventh class counties, engineers, firemen, caretakers, custodians and laborers employed in or about any buildings, works, or grounds used or occupied for any purpose by any municipal county, or state governments, school districts of first class, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing and treatment of coal; *except in cases of emergency when life or property are in imminent danger.*"

Hours of labor for state and municipal government, mines, mills, smelters.

Exception, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

CHAPTER 136

An Act to Amend Section 2238, Revised Codes of Montana of 1935, as Amended by Chapter 6 of the Laws of the Twenty-sixth Legislative Assembly, Relating to the Duty of the Assessor to Report Certain Personal Property Tax Assessments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2238 of the Revised Codes of Montana of 1935, as amended by Chapter 6 of the laws of the twenty-sixth legislative assembly, be, and the same is hereby amended to read as follows:

Sec. 2238 Rev. Codes. 1935, amended.

"Section 2238. **Duty of Assessor.** It shall be the duty of the assessor, upon discovery of any personal property

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Duty of assessor with respect to personal property when there is no sufficient lien for taxes thereon on real property.

in the county, the taxes upon which are not in his opinion a lien upon real property sufficient to secure the payment of such taxes, to immediately, and in any event not more than *five* days thereafter, make a report to the treasurer, setting forth the nature, *kind, description and character of such property, in such a definite manner that the treasurer can identify the same, and the* amount and assessed valuation of such property, where the same is located, and the name and address of the owner, claimant, or other person in possession of the same, and where such personal property is located in any city or town, which shall have provided by ordinance for the collection of its taxes for general, municipal and administrative purposes by its city or town treasurer, also and at the same time furnish to said city or town treasurer at the same time a duplicate of such notice to the county treasurer."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

CHAPTER 137

An Act to Amend Section 3341 of the Revised Codes of Montana 1935, Relating to the Shipment of Stray Cattle; Defining the Duties of the Shipper, and the Railroad Agents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3341 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 3341. **Shipment of Stray Cattle—Duty of Shipper and Railroad Agents.** Every person, agent, firm, corporation, pool or roundup association, who shall ship cattle *by railroad* to any market where Montana livestock inspectors are maintained, may ship with their own cattle any estrays which may be among them, but they *must* before shipment, or at the time of loading same on the cars

Shipment of stray cattle, duty of shipper.

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for shipment, carefully and as accurately as possible inspect or tally the brand on such cattle, whether their own or estrays, making a list in duplicate, which list shall state the date of loading, name of shipper, description of brands on each animal, number and class of the cattle bearing *such* brand, destination, name of the commission firm to whom consigned, and the name of the person in charge of the shipment *except that in the case of cattle not owned by the shipper and which are marked with a recorded brand, or where the owner is known to be someone other than the shipper, the shipper must obtain the written consent of such owner or owners, or the written consent of a state stock inspector or a deputy state stock inspector before shipment of such cattle.* It shall be the duty of the railroad agent at the point of loading to require from the shipper *lists* as described in this act, and to forward, within twenty-four (24) hours after loading, one copy to the livestock commission at Helena, Montana, and another copy to the Montana brand inspector at the point of destination."

Exception, in certain cases.

Duty of railroad agent.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 2, 1943.

CHAPTER 138

An Act to Repeal Section 1805.11 of the Revised Codes of Montana, 1935, and to Amend Sections 1805.7 and 1805.12 of the Revised Codes of Montana, 1935, Relating to the Duties of the Commissioner of State Lands and of the Chief Field Agent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1805.11 of the Revised Codes of Montana, 1935, is hereby repealed.

Sec. 1805.11 Rev. Codes repealed.

Section 2. That Section 1805.7 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"1805.7. **Appointive Powers of Commissioner—Management of Office.** The commissioner shall have the authority to appoint one cashier, one secretary, one chief

Appointive powers of commissioner.

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field agent, and such number of assistant field agents, clerks, stenographers and other employees as he may deem necessary for the proper performance of the work of his office, subject, however, to the approval of the state board of examiners as to the number of clerks and stenographers and employees. He shall also have authority to prescribe rules and regulations, not inconsistent with law, for the organization and management of his office, for the conduct of the office and field forces, for the distribution and performance of its business, and the custody, use and preservation of its records, papers, books, documents, equipment and other property."

Management of office.

Section 3. That Section 1805.12 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"1805.12. **Duties of Chief Field Agent.** Under the direction of the commissioner, the chief field agent shall have charge of all the field work of the department, except the work falling under the office of the state forester, and shall perform such additional services and duties as the commissioner may from time to time designate; *during the absence or disability of the commissioner he shall perform all the duties of the commissioner.*"

Duties of chief field agent.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 2, 1943.

CHAPTER 139

An Act to Amend Section 459.1 of the Revised Codes of Montana of 1935, as Amended by Chapter 92 of the Session Laws of Montana of 1941, Relating to the Expenses of State Officers and Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 459.1 of the Revised Codes of Montana of 1935, as amended by Chapter 92 of the laws

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of the twenty-seventh legislative assembly of 1941, be, and the same is hereby amended to read as follows:

"Section 459.1. Every person engaged in any service in every department of state, inclusive of persons in appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily and shall render to the board of examiners the said itemized statement, and at the end of each month, or if sooner required by said board, the said person so engaged shall render a total or recapitulation account thereof in a form to be prescribed by said board; provided, that in all cases such expenses other than railroad fare, bus fare, or automobile hire shall be limited to not more than *five dollars ($5.00) per day; provided, however, that such persons while engaged on official business outside the State of Montana, shall be allowed such actual expenses as in the judgment of the board of examiners are reasonable, in an amount not to exceed seven dollars ($7.00) per day.*"

State officers and employees to make itemized statement of daily expense while in travel duty.

Limitation of expense.

Section 2. This act shall take effect upon its passage and approval.

Effective date.

Approved March 2, 1943.

CHAPTER 140

An Act to Amend Section 9097 of the Revised Codes of Montana, 1935, Relating to the Place of Trial of Actions in District Courts of Montana, and Providing Actions May Be Tried in Any County Unless the Defendant Demands a Trial in the Proper County and the Manner of Changing the Place of Trial and the Time for Making Application for Change.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9097 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

Actions may be tried in any county, unless defendant demands trial in proper county.

"9097. **Actions May Be Tried in Any County, Unless the Defendant Demands a Trial in the Proper County.** If the county in which the action is commenced is not the proper county for the trial thereof, the action may, notwithstanding, be tried therein, unless the defendant, at the time he *makes his general appearance in the case, by answer, demurrer or otherwise*, files an affidavit of merits, and demands, in writing, that the trial be had in the proper county."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1943.

CHAPTER 141

An Act to Amend Section 5939 of the Revised Codes of Montana, 1935, as Amended by Chapter 72 of the Session Laws of 1941, Relating to the Payment of Dividends by Directors of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5939 of the Revised Codes of Montana, 1935, as amended by Chapter 72, laws of Montana 1941, be, and the same is hereby amended to read as follows:

Directors may pay dividends (a) out of assets.

"Section 5939. The directors or trustees of every corporation shall have power to declare and pay dividends upon the shares of its capital stock either (a) out of its net assets in excess of the aggregate amount of capital represented by the issued and outstanding stock having a par value and the amount of capital represented by shares without nominal or par value, if any, or (b), in case there shall be no such excess, out of its net profits for the fiscal year then current or for the preceding fiscal year or both; provided, however, that if the capital of the corporation shall have been diminished by depreciation in

(b) out of net profits.

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the value of its property, or by losses, or otherwise, to an amount less than the aggregate amount of the capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets, the directors or trustees of such corporation shall not declare and pay out of such net profits any dividends upon any shares of any class of its capital stock until the deficiency in the amount of capital represented by the issued and outstanding stock of all classes having a preference upon the distribution of assets shall have been repaired. Subject to any restrictions contained in its articles of incorporation, the directors or trustees of any corporation engaged in the exploitation of wasting assets or owning shares of stock of any other corporation engaged in the exploitation of wasting assets, may determine the net profits derived from the exploitation of such wasting assets owned by it or by such other corporation without taking into consideration the depletion of such assets resulting from lapse of time or from necessary consumption of such assets incidental to their exploitation. Nothing contained in this section shall prevent the stockholders of any corporation, or the directors or trustees thereof, if the articles of incorporation shall so provide, from setting apart out of any of the funds of the corporation available for dividends a reserve or reserves for any proper purpose or from abolishing any such reserve in the manner in which it was created. A director or trustee shall be fully protected in relying in good faith upon the books of account of the corporation or statements prepared by any of its officials as to the value and amount of the assets and liabilities or net profits of the corporation or either or any other facts pertaining to the existence and amount of surplus or other funds from which dividends might properly be declared and paid.

Limitation.

Reserve may be set apart or abolished.

"Except as hereinbefore *or hereinafter* provided, the directors or trustees of corporations must not make dividends, except from the surplus profits arising from the business thereof; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock except as hereinbefore or hereinafter specifically provided; *provided, however, that anything herein contained to the contrary notwithstanding, the directors or trustees of a corporation may make dividends out of any funds of the corporation theretofore set aside as a reserve*

Power of directors restricted.

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for depreciation or obsolescense if authorized and empowered so to do by a resolution of stockholders of the corporation representing at least three-fourths (¾) of the whole number of shares of the corporation then outstanding, and of record on the books of the corporation and entitled to vote. For a violation of the provisions of this section, the directors or trustees under whose administration the same may have happened (except those who may have caused their dissent therefrom to be entered at large in the minutes of the directors or trustees at the time, or were not present when the same did happen), are in their individual and private capacity, jointly and severally liable to the corporation and to the creditors thereof in the event of its dissolution, to the full amount of the capital stock so divided, withdrawn, paid out or reduced; and no statute of limitations is a bar to any suit against such directors or trustees for any sums for which they are made liable by this section. There may be, however, a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution, or the expiration of its term of existence."

Personal liability of directors.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 2, 1943.

CHAPTER 142

An Act to Amend Sections 927 and 928 of the Revised Codes of Montana, 1935, Relating to the Objects of the Montana State Normal College at Dillon, Montana and the Control and Management Thereof by the State Board of Education and Directing the State Board of Education to Establish, Maintain and Operate Thereat a Department for the Reception, Training and Adjustment of Exceptional Children, in Conjunction With the State Department of Public Welfare, and to Provide Facilities Therefor, and to Authorize Said Board to Prescribe Fees for Said Department.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 927, Revised Codes of Montana,

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1935, shall be, and the same is hereby amended to read as follows:

"927. The objects of said normal school shall be *(1)* the instruction and training of teachers for the public schools of the State of *Montana, inclusive of all grades and departments and (2) for the reception, instruction, training and adjustment of exceptional children hereby defined as children who deviate from the normal as to intelligence, emotional stability, social reaction and adjustments.*"

Objects of State Normal College.

Section 2. Section 928, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

"928. The control and management of the Montana state normal college at *Dillon, Montana,* is vested in the state board of education *of the State of Montana,* and in a local executive board *as provided by the constitution and laws of the State of Montana. The state board of education shall establish, maintain and operate a department and school for exceptional children as defined herein and shall employ and assign thereto such staff of teachers and instructors, or such teachers and instructors especially trained in such fields, as may be required for the reception, treatment, training and education of exceptional children under the age of twenty-one (21) years. The state board of education shall prescribe, with the advice of the faculty of said college and other specialists available to it, a proper course of training, education and social adjustments for such children. The state board of education shall, further, under such rules and regulations that it may prescribe, fix the fees covering the board, lodging, tuition and incidental charges incident to the reception and training of said children at not less than fifty cents (50c) per day for maintenance and shall, within the purposes of this act, define the conditions for admission of said children to said school not to include any group of exceptional children now provided for with other institutions.*"

Control and management.

Department to be established for exceptional children.

Section 3. The state department of public welfare shall have authority to refer exceptional children to such normal college department and both of said departments and the state board of education shall cooperate in the administration of such training and educational facilities.

Reference of such children to normal college department.

Section 4. The state board of education shall complete

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Date for opening of such school.

the establishment and commence the operation of said school and department in the Montana state normal college at Dillon not later than October 1, 1943.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

CHAPTER 143

An Act to Give to the Board of Railroad Commissioners Power to Compel Motor Carrier Bus Lines to Provide and Maintain Sufficient Service, Instrumentalities, Equipment, Facilities and Time Schedules.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act shall be Code Section 3847.28.

Power of board to compel motor carrier bus lines to provide service and facilities.

Section 2. *The board of railroad commissioners, after ten days notice and public hearing, shall have the power to compel all motor carrier bus lines under its jurisdiction to furnish, provide and maintain such service, instrumentalities, equipment, facilities and time schedules as shall promote the safety, health, comfort and conveniences of its passengers, employees and the public, and as shall in all respects be adequate, efficient, just and reasonable.*

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 2, 1943.

CHAPTER 144

An Act to Amend Section 7253.1 of the Revised Codes of Montana of 1935 Relating to the Dissolution of Irrigation Districts.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7253.1 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 7253.1. Any irrigation district organized and existing under the laws of the State of Montana may be dissolved by an order of the district court of the county in which the land or the greater portion of *the* lands of the district are situated, provided, *however*, that in case a district has incurred bonded indebtedness *and has constructed or purchased any irrigation plant or system for the irrigation of the land in the district*, it shall be necessary, in order that the district court may acquire jurisdiction to enter an order dissolving the district, that a petition be filed with the clerk of said district court, this petition shall be signed by an equal number of holders of title, or evidence of title as are required to sign the original petition for the creation of the district and must also be signed by a sufficient number of bondholders of the district, or by their assignees, or duly authorized agents, representing at least eighty percent (80%) of the outstanding bonds of said district; *and provided further that in case a district has incurred bonded indebtedness but has not constructed or purchased any irrigation plant or system for the irrigation of land in the district, and more than ten (10) years have expired since the date of organization of the district, then in such case, such district may be dissolved by an order of the district court of the county in which the land or the greater part of the lands are situated, if the petition praying for dissolution shall be signed by a majority of the board of irrigation district commissioners and also by a sufficient number of bondholders of the district, or by their assignees, or duly authorized agents, representing at least eighty percent (80%) of the outstanding bonds of said district.*"

Dissolution of irrigation districts, procedure for.

Petition for.

In case district has not constructed or purchased any irrigation plant or system.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 2, 1943.

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CHAPTER 145

An Act Relating to Dependent and Neglected Children; Providing for Payment to the Montana State Orphans' Home by Counties From Which Such Children Are Received at Such Home; for the Payment of One-half of the Cost of Children Placed in Foster Homes by the State Public Welfare Department and One-half of Such Cost by the Counties in Which the Children Reside; Authorizing the District Court to Fix Amounts to Be Paid by Parents for Such Care When Financially Able to Do So, and Authorizing Counties to Collect From Such Parents.

Be it enacted by the Legislative Assembly of the State of Montana:

State department of public welfare successor to bureau of child and animal protection.

Section 1. The state department of public welfare, being the successor to the former state bureau of child and animal protection, and being required to perform the duties performed by such bureau while the same was in existence, wherever the terms "bureau of child and animal protection" or "bureau of child protection" appear or are used in Sections 10,465 to 10,479.1, inclusive, of the Revised Codes of Montana, 1935, they shall be deemed and construed to mean the state department of public welfare.

Duty of county board to investigate and report, when.

Section 2. Whenever any petition is filed with the clerk of a district court in accordance with the provisions of Section 10,467, and after citation has been issued as provided in Section 10,468, the clerk of such court must immediately deliver to the county board of public welfare of the county in which the petition is filed, a copy of such petition with a notation thereon giving the day and time fixed by the court for hearing such petition. Upon receipt of such copy of petition it shall be the duty of some member of the staff of such county board of public welfare to make an investigation for the purpose of ascertaining whether the parents or parent, if any, of such child live within such county and the financial ability of such parents or parent, if any, to pay the cost of taking care of such child in a foster home, or in the Montana state orphans' home, and must file with the clerk of such court, before the time fixed for such hearing, a written report of such investigation.

Section 3. On the hearing the court may hear evidence

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regarding the financial ability of any such parents or parent, to pay such cost, and may take into consideration the report of such investigation filed with the clerk of the court, as provided in Section 2 hereof. And if, on such hearing, the court shall find and determine that said child has parents, or a parent, who is financially able to pay a part or the whole of such cost, and such child shall be ordered placed in the said Montana state orphans' home, or placed in a foster home, the court shall make an order requiring such parents, or parent, to pay therefor such amount as the court may deem proper, and if on such hearing any child shall be ordered placed in the said orphans' home, the county in which such child resides shall pay to said orphans' home ten dollars ($10.00) per month for such time as the child shall remain therein, and in turn shall collect in its own name from any parent or parents such amount, if any, as the court has specified in its order to be paid by such parent or parents. If such child be placed in a foster home the state department of public welfare shall pay one-half (½) of the cost thereof, and the county in which such child resides shall pay the other one-half (½) thereof, and in turn shall collect in its own name from any parent or parents such amount, if any, as the court has specified in its order to be paid by such parent or parents, provided that one-half (½) of any amount collected by the county from a parent or parents, when a child is placed in a foster home, shall be transmitted to the state department of public welfare, and by it paid over to the state treasurer, who shall deposit the same to the credit of the state general fund.

Hearing of petition; evidence regarding financial ability of parents.

Court order.

Allocation of cost.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 2, 1943.

CHAPTER 146

An Act Authorizing Executors, Administrators, Guardians, Receivers, Trustees and Any Other Parties of Whom a Bond, Undertaking or Other Obligation Is Required, to Agree With His Sureties for the Deposit and Joint Control of Trust Funds and Assets.

Be it enacted by the Legislative Assembly of the State of Montana:

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Executor or other bonded fiduciary may deposit with banks moneys and assets for safekeeping, by agreement with surety.

Section 1. It shall be lawful for any executor, administrator, guardian, receiver, trustee or other party of whom a bond, undertaking or other obligation is required, to agree with his surety or sureties for the deposit of any or all moneys and assets for which he and his surety or sureties are or may be held responsible, with a bank, savings banks, safe-deposit or trust company, authorized by law to do business as such, or with other depository approved by the court or a judge thereof, if such deposit is otherwise proper, for the safekeeping thereof, and in such manner as to prevent the withdrawal of such money or assets or any part thereof, without the written consent of such surety or sureties, or an order of court, or a judge thereof made on such notice to such surety or sureties as such court or judge may direct; provided, however, that such agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of the said bond.

Liability of principal and surety not released.

Approved March 2, 1943.

CHAPTER 147

An Act Granting to the Lessee of Tax Deed Lands the Opportunity to Purchase the Same in the Event of the Proposed Sale Thereof, and Allowing the Board of County Commissioners to Reappraise, Readvertise and Sell the Same at Public Auction.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever tax deed lands now held, or hereafter acquired, by any county of this state, have been leased pursuant to the provisions of Section 5, Chapter 171 of the laws of the twenty-seventh legislative assembly, and thereafter the board of county commissioners shall receive an offer for the purchase of said lands under the provisions of Section 4, Chapter 171 of the laws of the twenty-seventh legislative assembly, the said board shall by registered mail notify the lessee, who shall have a period of thirty (30) days after the mailing of such notice within which he may purchase the leased property at the appraised value thereof. Provided that nothing herein contained shall prohibit the board from, at any time, reappraising, readvertising and offering such land at public

Lessee of tax-deed lands has right within thirty days to purchase at appraised value.

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sale under the provisions of Section 1, Chapter 171 of the laws of the twenty-seventh legislative assembly.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

CHAPTER 148

An Act to Amend Sections 1758, 1758.2 and 1758.3 of the Revised Codes of Montana, 1935, as Amended by Chapter 72 of the Twenty-fifth Legislative Assembly, Relating to Certificates of Registration and Ownership of Motor Vehicles; Defining Motor Vehicles; Providing for Serial Numbers, Transfers of Title or Interest; Providing for Chattel Mortgages, Conditional Sales Contracts and Other Liens and the Filing Thereof With the Registrar; Providing a Fee for Satisfaction of Liens; Providing That Tires, Casings and Tubes Are a Component Part of Motor Vehicles; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1758 of the Revised Codes of Montana, 1935, shall be and the same is hereby amended to read as follows:

"1758. **Certificates of Registration and Ownership.** Upon receiving *the duplicate* of an application for registration, duly executed in proper form, the registrar of motor vehicles shall cause to be entered the information contained in said application upon the corresponding records *of* his office and shall furnish the applicant a certificate of registration *and a certificate of ownership, who shall at all times retain possession of the certificate of ownership, except when the same is being transmitted to and from the registrar of motor vehicles for endorsement or cancellation. In the event the said certificate of ownership be in the possession or under the control of any person other than the person entitled to operate and possess*

Certificates of registration and ownership.

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the motor vehicle the same must be surrendered to the person entitled to operate and possess such motor vehicle, upon demand, and refusal shall constitute a misdemeanor. At the same time, he shall issue to any conditional sales vendor, or other person holding the legal title to the vehicle, or *any* mortgagee thereof, *or other lien holder, a statement of the filing of such conditional sales contract, mortgage or other lien, said certificates of registration and ownership shall meet the following requirements:*

Contents of certificates.

"(a) The certificate of registration and the certificate of ownership shall *each* contain upon the face thereof; (*1*) the date issued, (*2*) the registration number assigned to the owner and the vehicle, (*3*) the name and *complete* address of the *owner and the name and complete address of any conditional sales vendor, and also the name and address of any other lien or, as shown by said application,* (*4*) a description of the registered vehicle including the year built *and serial number, if any,* (*5*) any lien against such motor vehicle and the amount due at the date of registration, and such other statement of facts as may be determined by the registrar.

"(b) The reverse side of the certificate of ownership only shall contain *a form of* notice to the registrar of a transfer of title or interest of the owner *and such other statement on forms as may be determined by the registrar.*

"Motor vehicle" defined.

"(c) *The term 'motor vehicle' includes automobile, truck, motorcycle, semi-trailer, trailer and trailer-house.*

"(d) *Any motor vehicle failing to have a manufacturer's or other serial number shall be assigned a serial number by the registrar upon registration.*"

Section 2. That Section 1758.2 of the Revised Codes of Montana 1935, shall be, and the same is hereby amended to read as follows:

Transfer of title or interest.

"1758.2. **Transfer of Title or Interest.** (a) Upon a transfer of *any* title or interest of an owner or owner in or to a *motor* vehicle registered under the provisions of this act as hereinbefore required, the person or persons whose title or interest is to be transferred shall write their signatures with pen and ink upon the certificate of ownership issued for such vehicle, in the appropriate space provided upon the reverse *side* of such certificate, *and his signature shall be acknowledged before a notary public.*

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"(b) Within ten (10) days thereafter, the transferee shall forward both certificate of ownership so endorsed and the certificate of registration, *together with the information required under Section 1758 of the Revised Codes of Montana 1935, through the county treasurer, to the registrar,* who shall file the same upon receipt thereof *and no certificate of ownership and certificate of registration shall be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction.*

Outstanding certificates to be surrendered to registrar.

"(c) The provisions of sub-division (b) of this section, requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the registrar, shall not apply in the event of the transfer of a *motor* vehicle to a *duly licensed automobile* dealer intending to re-sell such vehicle and who operates the same only for demonstration purposes, but every *such dealer* shall upon transferring *such* interest deliver *such certificate of ownership and certificate of registration with an application for registration executed by the new owner in accordance with the provisions of Section 1758 of the Revised Codes of Montana, 1935, and the registrar upon receipt of said certificate of ownership, certificate of registration and application for registration, together with the conditional sales contract or other lien, if any, shall issue a new certificate of ownership and certificate of registration together with a statement of any conditional sales contract, mortgage, or other lien as provided in said Section 1758 of the Revised Codes of Montana, 1935.*

Exception as to transfer to dealer.

Transfer to new owner.

"(d) Until said registrar shall have issued *a* certificate of registration and certificate of ownership *and statement as* hereinbefore provided, delivery of any *motor* vehicle shall be deemed not to have been made and title thereto shall not have passed and said intended transfer shall be incomplete and not be valid or effective for any purpose.

Transfer not valid without certificates by registrar.

"(e) In the event of a transfer by operation of law of *any* title or interest of *an* owner of the legal title or owner in and to a *motor* vehicle registered under the provisions of this act, as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in *the* performance of the terms of a

Transfer by operation of law.

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lease or executory sales contract, or otherwise than by voluntary act of the person whose title or interest is so transferred, the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest *is* so transferred shall forward to the registrar of motor vehicles an application for registration in the form required for an original application for registration, together with a verified or certified statement of the transfer of such title or interest which statement shall set forth the reason for such involuntary transfer, the title or interest so transferred, the name or names of the person or persons to *whom* such title or interest is to be transferred, the process of procedure effecting such transfer and such other information as may be requested by the registrar and with such statement shall be furnished such evidence and instruments as may otherwise be required by law to effect a transfer of legal *or equitable* title to or an interest in chattels as may be required in such cases, and in the event the registrar shall be satisfied that such transfer is regular and that all formalities as required by law have been complied with, he shall cause to be sent to the owner, *conditional sales vendors, lessors, mortgagees and other lienors, as shown by his records notice of such intended transfer and* thereafter but not less than five (5) days thereafter, shall register such *motor* vehicle *and shall issue a new certificate of ownership and certificate of registration to the person or persons entitled thereto.* The notice herein required shall be deemed complied with by deposit in the post office in Deer Lodge, *Montana*, such notice, postage prepaid, addressed to such person or persons at *the respective addresses shown on his records.*

Duty of transferee.

"In the event of the death of an owner of not more than *one motor* vehicle *and/or trailer, and/or semi-trailer, and/or trailer-house* registered hereunder and not exceeding the value of one thousand dollars ($1,000.00), without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife, or other heir, unless such property is by will otherwise bequeathed, may secure transfer of the *certificate of ownership and the certificate of registration* of the deceased, in and to such *motor* vehicle in the name of the surviving husband or wife or other heir, as above mentioned, upon filing with the registrar an affidavit of such person setting forth the fact of survivor-

Transfer to surviving husband, wife or other heir, in absence of probate proceedings, when.

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ship and the name and address of any other heirs and such other facts as are hereby made necessary to entitle the affiant to a transfer and thereupon the registrar is authorized to make such transfer of the *certificate of ownership and certificate of registration, subject to all contracts, leases, mortgages, or other liens as shown by his records.*

"Nothing in the foregoing subdivision of this section shall prevent any *conditional sales vendor, mortgagee, or other lienor from* assigning his interest or title in or to a *motor* vehicle registered under the provisions of this act *to* any other person without the consent of and without effecting the interest of *the holder of the certificate of ownership and certificate of registration. Upon any conditional sales vendor, mortgagee, or other lienor assigning his interest in any motor vehicle registered under this act a copy of such assignment must be filed with the registrar and record thereof made upon his records.*

Transfer of interest or title by conditional sales vendor, mortgagee or other lien holder.

"(f) *Every person who transfers any motor vehicle to a junk dealer for the purpose of scrapping said vehicle shall so notify the registrar and deliver the certificate of ownership and certificate of registration to the registrar for cancellation.*"

Transfer to junk dealer for scrapping.

Section 3. That Section 1758.3 of the Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

"(a) No chattel mortgage, conditional sales contract, *lease, or other lien on a motor vehicle shall be valid as against creditors, subsequent purchasers or encumbrancers unless and until such mortgage, conditional sales contract, lease or other lien, or a true copy thereof certified by a notary public has been filed with the registrar of motor vehicles as hereinafter provided; the registrar shall not file any mortgage, conditional sales contract, lease or other lien unless such mortgage, conditional sales contract, lease or other lien is accompanied by the certificate of ownership of such vehicle, except in the sale of a new motor vehicle by a duly licensed dealer, and when such mortgage, conditional sales contract, lease or other lien or certified copy thereof is so presented for filing the registrar shall file the same entering upon his records the name and address of the mortgagee, conditional sales vendor, lessor, or other*

Filing of mortgage or other lien required to give constructive notice to creditors, subsequent purchasers or encumbrancers.

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lienor together with the amount of the lien and he shall at the same time endorse the same information upon the face of the certificate of ownership, mailing a statement certifying to the filing of such mortgage, conditional sales contract, lease or other lien, to the mortgagee, vendor, or other lienor and mail the certificate of ownership to the owner at the address given on said certificate. The owner being the person entitled to operate and possess such motor vehicle.

Chattel mortgages and conditional sales contracts on motor vehicles excepted from sections 8278, 8280, 7594 and 7596 as to place of filing.

"(b) A chattel mortgage on a motor vehicle is hereby expressly excepted from the provisions of Sections 8278 and 8280 inclusive and a conditional sales contract on a *motor* vehicle is hereby excepted from the provisions of Sections 7594 and 7596 inclusive in so far only as they relate to the place of filing of chattel mortgages, affidavits of renewal, conditional sales contracts or releases.

Filing of mortgage or other lien constitutes constructive notice.

"(c) *From and after the filing of any mortgage, conditional sales contract, lease, or other lien, or copy thereof on any motor vehicle, as herein provided, then and in that event such mortgage, conditional sales contract, lease or other lien shall be constructive notice of the said mortgage, conditional sales contract, lease or other lien and its contents to subsequent purchasers and incumbrancers.*

Remedies of holders of chattel mortgage, conditional sales upon and attachment of motor vehicles.

"(d) Upon default under a chattel mortgage covering a motor vehicle the mortgagee may foreclose his mortgage as in the case of other personal property, and upon default under a conditional sales contract covering a motor vehicle the vendor shall have the remedies prescribed by Section 7597 upon delivery to the sheriff of the original instrument or a copy certified by the registrar of motor vehicles, and in case of attachment of motor vehicles all the provisions of Section 8283 shall be applicable except deposits must be made with the registrar of motor vehicles instead of the county treasurer.

Penalty for failure of lien holder to file satisfaction.

"(e) In the event any conditional sales vendor or assignee or chattel mortgagee or assignee fails to file a satisfaction of a chattel mortgage, *assignment or conditional sales contract* within fifteen days after receiving final payment on such mortgage, assignment, or conditional sales contract he shall be required to pay the registrar of motor vehicles the sum of one dollar *($1.00)* for each and every day thereafter that he fails to file such satisfaction. All moneys paid to the registrar of motor

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vehicles under this section shall revert to the automobile theft fund.

"(f) Upon receipt of any liens, or notice of liens *dependent on possession*, or attachments, etc., against the record of any motor vehicle registered in this state, the registrar shall within 24 hours, mail *to the owner, conditional sale vendor*, mortgagees, or assignees of any thereof a notice showing the name and address of the lien claimant, amount of the lien, date of execution of lien, and in the case of attachment the full title of the court and the action and the name of the attorneys for the plaintiff and/or attaching creditor.

Duty of registrar upon receipt of liens to mail notice to owner of vehicle and holders of existing liens.

"(g) It shall not be necessary to refile with the registrar of motor vehicles any instruments on file in the offices of the county clerks and recorders at the time this law takes effect.

Refiling of instruments on file in offices of county clerks.

"(h) A fee of twenty-five cents (25c) shall be paid the registrar of motor vehicles for filing satisfaction of chattel mortgage, conditional sales contract, *or other lien. A fee of twenty-five cents (25c) shall be paid the registrar of motor vehicles by the owner for an endorsement of the satisfaction upon the fact of the certificate of ownership.* A fee of fifty cents (50c) shall be paid the registrar of motor vehicles for filing chattel mortgages, conditional sales contracts, or assignments thereof, *or for filing any other lien and also for* issuing certificate to copy of chattel mortgage or conditional sales contract, *or other lien or instrument on file with the said registrar.*"

Fees of registrar.

Section 4. *Tires, casings and/or tubes mounted on a motor vehicle are an integral and component part of said motor vehicle and any tire, casing and/or tube placed thereon are subject to any conditional sales contract, mortgage, lease or other lien on said motor vehicle in the order of filing with the registrar and endorsement on the certificate of ownership.*

Tires, casings and tubes are integral part of motor vehicle.

Section 5. If any clause, sentence, subdivision, paragraph or section of this act, or any thereof in combination are found unconstitutional, such result shall not affect or alter the remainder of this act or any part of the remainder and the same shall stand as valid, the legislative assembly hereby declaring that it would have enacted the remainder or residue not found unconstitutional.

Severability of act.

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Repealing clause.

Section 6. All acts and parts of acts, statutes and codes in conflict with the provisions of this act and the amendments herein made, shall be, and the same are hereby expressly repealed.

Effective date.

Section 7. This act shall be in full force and effect as to new certificates of ownership and certificates of registration issued after June 30, 1943 and shall be in full force and effect as to all provisions after December 31, 1943.

Approved March 2, 1943.

CHAPTER 149

An Act Authorizing Cities However Organized to Establish, Build and Construct, and Collect Rates, Charges or Rentals for the Use and/or Operation of Sewage Systems and for Sewage Pumping Stations and Sewage Treatment and Disposal Plants, and Providing for the Application of Such Funds to the Cost, Construction and Operation or Maintenance Thereof, and Issue and Sell Revenue Bonds to Construct Any Such Plant.

Be it enacted by the Legislative Assembly of the State of Montana:

Cities may establish sewers.

Section 1. **Cities May Establish Sewers**—Any city may when authorized so to do by a majority vote of the qualified electors voting at an election held for that purpose build and construct a sewage treatment or disposal plant or plants for public use, and any such municipality which has installed or may hereafter install, build, or construct, a system of sewers, sewage pumping station, or a sewage treatment or disposal plant or plants for public use, in addition to all other powers granted to it shall have authority, by an ordinance duly adopted by the governing body thereof, to charge just and equitable rates, charges or rentals for the use of such facilities and for connection therewith by every person, firm, or corporation whose premises are served by such facilities either directly or indirectly. Such charges shall be as nearly as possible equitable in proportion to the service rendered, and shall take into consideration the quantity of sewage produced and its concentration, strength of river, lake,

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bay or other body of water, pollution qualities in general and the cost of its disposal. The charges shall be fixed on the basis of water consumed, or any other equitable basis said governing body may deem appropriate, and if the council so directs, may be established as a surcharge on the water bills of all water consumers in the municipality on the grounds that said sewage treatments are for the purpose of preventing pollution of sources of water supply or on some other basis of measuring the use made of the aforesaid facilities.

Section 2. **May Issue Bonds—Sinking Fund—Rates for Service, Etc.** Any such municipality may issue and sell negotiable revenue bonds for the construction of any such system of sewers, sewage pumping stations or sewage treatment or disposal plant or plants for public use when authorized so to do by a majority vote of the qualified electors voting on the question at an election called by the city council or other governing body of the municipality for that purpose; which bonds shall be serial or amortization and shall bear interest at not more than five per cent (5%) per annum, payable semi-annually, and all bonds shall mature within twenty (20) years from date of bonds, and may be registered with the city treasurer of said municipality. No bonds shall be sold for less than par, and each of said bonds shall state plainly on its face that it is payable only from a sinking fund, naming said fund and the ordinance and resolution creating it, and that it does not create an indebtedness within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness.

Issuance and sale of bonds.

Prior to the issuance of said bonds the city council or other governing body of such municipality shall adopt an ordinance or resolution authorizing the issuance and sale of said bonds.

Authorizing ordinance or resolution.

At the time of, or before the issuance and sale of any such bonds, the governing body must create a sinking fund for the payment of the bonds and the interest thereon and charges of the fiscal agency for making payment of the bonds and interest thereon.

Sinking fund.

That at, or before the issuance and sale of such bonds, the governing body shall, by resolution or ordinance, set aside a sinking fund and pledge to the payment of the bonds and the interest thereon the net income and reve-

Net income pledged to payment of bonds.

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nues of the system, including all additions thereto and replacements and improvements thereof subsequently constructed or acquired, up to an amount sufficient to provide for the payment of the principal and the interest on the bonds as such principal and interest shall become due and payable, and a margin of safety, which together with an unused surplus of such margin carried forward from the previous year, shall equal twenty per cent (20%) of all other amounts so required to be paid into the sinking fund.

Margin of safety.

The said income and revenues above mentioned shall be construed to mean all the gross income from said plant less operating expenses and cost of material and supplies used in operation and less ten per cent (10%) to be set aside for replacements and depreciation of said plant.

Income and revenues defined.

Said payments above mentioned shall constitute a first and prior charge and lien on the entire net income and revenues derived from the operation of said system.

Section 3. The governing body of such municipality shall have full power and authority, and it is hereby made its duty to fix and establish, on the basis of water consumed or any other equitable basis, by ordinance or resolution, and collect rates and charges for the services and facilities afforded by the system.

Rates and charges for services.

The rates and charges established for the services and facilities afforded by this system shall be sufficient in each year to provide income and revenues adequate for the payment of the reasonable expense and operation, repair and maintenance and for the payment of the sums required to be paid into the sinking fund and for the ten per cent (10%) depreciation charge.

The governing body shall have the right to change and readjust from time to time the rates and charges so fixed and established provided the aggregate of such rates and charges shall always be sufficient to meet the requirements mentioned in preceding paragraph.

Section 4. After any municipality has issued and sold revenue bonds under this act, it must keep all income and revenues derived from the operation of the system separate and distinct from all other revenues and shall keep books and accounts for such system separate and distinct from all other books and accounts.

Income to be kept separately.

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That any such bonds and interest thereon shall be a valid claim of the holders thereof only against the sinking fund and the net income and revenues of the system pledged thereto and shall not constitute an indebtedness of the municipality within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness.

Holders of bonds have claim limited to sinking fund and income of system.

Section 5. Any municipality issuing bonds under this act shall have the right to covenant with the holders of the bonds as to (a) the purpose to which the proceeds received from the sale of the bonds shall be applied and the use and disposition there; (b) the use and disposition of the income and revenues derived from the operation of the system; (c) the issuance and sale of additional bonds payable from the income and revenues of the system; (d) the operation and maintenance of the system; (e) the insurance to be carried hereon and the disposition of the insurance moneys; (f) its books of account and the inspection and audit thereof and its accounting methods; (g) rates and charges for the services and facilities afforded by the system, and any other matters pertaining to the manner of handling this system and care and manner of paying the revenues on the bonds and interest.

Covenants with holders of bonds.

No person, firm or corporation shall be permitted to use said system, except they pay the full and established rate for said service.

Users of system must pay for service.

Nothing contained in this act shall be construed to permit the municipality to incur, under the provisions thereof, any obligation for the payment of which taxes may be levied.

No tax liability to be incurred.

Any bonds issued under this act may be registered with the city treasurer of said municipality.

Registration of bonds.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 2, 1943.

CHAPTER 150

An Act to Repeal Sections 6230 to 6233, Both Inclusive, of the Revised Codes of Montana of 1935, Concerning

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the Doing of Business in the State of Montana by Surety Companies Not Organized Under the Laws of This State and Providing Penalties for the Violation by Any Such Surety Company of the Provisions of Said Sections.

Be it enacted by the Legislative Assembly of the State of Montana:

Certain sections of code repealed.

Section 1. That Sections 6230, 6231, 6232 and 6233, of the Revised Codes of Montana of 1935, are hereby repealed.

Approved March 2, 1943.

CHAPTER 151

An Act to Amend Section 3 of Chapter 67 of the Laws of the Twenty-seventh Legislative Assembly of the State of Montana Relating to Embalmers and Funeral Directors and Qualifications Thereof by Providing for Granting of Permission to Practice Embalming in Cases of Emergency, and Exempting From the Provision for Internship and Apprenticeship Applicants Who at Time of Examination Are Licensed in Another State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3 of Chapter 67 of the laws of the twenty-seventh legislative assembly of the State of Montana 1941, be, and the same is hereby amended to read as follows:

Qualifications of persons desiring to practice embalming.

"Section 3. Any person desiring to practice embalming in the State of Montana must be possessed of the following qualifications:

"(1) Must be at least twenty-one (21) years of age;

"(2) Must be of good moral character;

"(3) Must present to the board a diploma of graduation from high school, and in addition shall be a graduate of a grade 'A' embalming college.

Application for license.

Fee.

"Any person possessed of such qualifications may apply to the board for a license, and upon payment of an application fee of twenty-five dollars ($25.00), may take the examination prescribed by the board. The board shall

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prepare the form of examination and relating questions, and shall, in all respects conduct said examination and grant or refuse licenses, based upon the examination held. Said examination shall be held annually, at the city of Helena, Montana, on the second Wednesday in July of each and every year. An applicant who shall pass said examination shall be granted a license to practice as an interne and apprentice embalmer under a licensed embalmer of the State of Montana, and at the end of one (1) year's internship and apprenticeship shall have a right to apply for a final license as an embalmer; *provided, however, that in cases of emergency or when the board may deem it advisable and for the best interests of the public, the board may, in its discretion, grant to any person possessing the qualifications in this section provided, or to any regularly licensed embalmer in a state other than Montana, written permission, which shall entitle such person to carry on the profession of embalming until the next regular examination, or until such permission is revoked by the board, provided the board may at any time, in its discretion, revoke such permission.* Such application shall be made to the board, and if the board finds that such applicant has fully complied with the law and the rules and regulations of the board, he shall be granted a license to engage in the profession of embalming in the State of Montana. No person shall carry on the profession of embalming, or act as an interne or apprentice without a license. The annual license fee payable to the board of an interne and apprentice shall be two dollars and fifty cents ($2.50). The annual renewal license fee, payable to the board, on the 1st day of July of each and every year, shall be as follows: For an interne and apprentice, two dollars and fifty cents ($2.50); for an embalmer, five dollars ($5.00); for a funeral director, two dollars ($2.00); *provided, however, that the provision regarding internship and apprenticeship shall not apply to an applicant who at the time of examination is duly licensed and has served his apprenticeship under the laws of any other state.*

Examination.

License as interne and apprentice.

Temporary license.

Final license.

Annual fee.

Internship and apprenticeship served in another state.

"An interne and apprentice is hereby defined to be a person possessed of the qualifications provided by this section for the practice of embalming and who has taken and successfully passed the examination herein provided for embalmers."

Interne and apprenticeship defined.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

CHAPTER 152

An Act to Amend Section 3729.2 of the Revised Codes of Montana, 1935, Relating to the Power of the Fish and Game Commission to Dispose of Antelope When Damaging Property Because of the Increase in Their Numbers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3729.2 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

Power of commission to dispose of antelope increasing in number and damaging property.

"3729.2. **Power of Commission to Dispose of Antelope Increasing in Number and Damaging Property.** Whenever antelope within the State of Montana have increased in number to such extent that, in the judgment of the state fish and game commission, their number should be reduced, or special or private property is being actually and materially damaged or destroyed, by said antelope and written complaint of such damage has been filed with the state fish and game commission by the owners of such property, the said commission shall have the power and authority whenever, in its opinion, conditions warrant to take, kill, remove or dispose of such animals under such rules and regulations and conditions as it may prescribe and promulgate; *providing that the fish and game commission may open the season on such antelope and may issue special licenses in a limited number depending upon the number of antelope to be killed and in determining to whom these licenses shall be issued the commission shall when more applications are made than there are animals to be killed, award permits to those chosen under a drawing system. There shall be collected from persons issued a permit a fee of one dollar ($1.00). Special licenses as herein authorized may be issued only to those holding big game*

Special licenses.

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licenses and be limited to only one antelope, the sex of which shall be designated on such special license or permit."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1943.

CHAPTER 153

An Act to Amend Section 3847.1 of the Revised Codes of Montana, 1935, Relating to Motor Carriers and Defining Terms as Used in the Motor Carrier Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3847.1 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"3847.1. **Definition of Terms.** Unless the language or context clearly indicates that different meanings are intended, the following words, terms and phrases shall, for the purpose of this act, be given the meanings hereinafter subjoined to them. Definition of terms.

"(a) The word 'board' means the board of railroad commissioners of the State of Montana. "Board".

"(b) The term 'corporation' means a corporation, company, association or joint stock association. "Corporation".

"(c) The term 'person' means an individual, firm or co-partnership. "Person".

"(d) The word 'certificate' means the certificate of public convenience and necessity authorized to be issued under the provisions of this act. "Certificate".

"(e) The term 'public highway' means every public street, road, highway, or way in this state. "Public highway".

"(f) The term 'motor vehicle' shall include all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons and/or property. "Motor vehicle".

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"Between fixed termini or over a regular route".

"(g) The words 'between fixed termini or over a regular route' when used in this act mean the termini of route between or over which any motor carrier usually or ordinarily operates any motor vehicles, even though there may be periodical or irregular departures from said termini or route. Whether or not a motor vehicle is operated by a motor carrier between fixed termini, or over a regular route, or otherwise, within the meaning of this act, shall be a question of fact to be determined by the board.

"Motor carrier".

"(h) The term 'motor carrier', when used in this act means every person or corporation, their lessees, trustees, or receivers appointed by any court whatsoever, operating motor vehicles upon any public highway in the State of Montana for the transportation of persons and/or property for hire, on a commercial basis either as a common carrier or under private contract, agreement, charter, or undertaking; provided, that nothing in this act shall be construed as affecting *motor vehicles used in carrying property consisting of ordinary livestock or agricultural commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation, or* the operation of school busses which are used in conveying school children to and from district or other schools, or the transportation of freight or passengers by motor vehicles when done occasionally and not as a regular business, or the transportation by means of motor vehicles in the regular course of business of employees, supplies, and materials by any person, firm or corporation engaged exclusively in the construction or maintenance of highways, or engaged exclusively in logging or mining operations, insofar as the use of employees, supplies and materials in construction and production is concerned.

Vehicles carrying certain property excepted.

"For hire".

"(i) The words 'for hire' mean for remuneration of any kind, paid or promised, either directly or indirectly. An occasional accommodative transportation service by a person not in the transportation business shall not be construed as a service for hire, even though the persons transported share in the cost or pay for the service.

"Compensation".

"(j) The word 'compensation', as used in this act, shall mean the charge imposed upon motor carriers in consideration of the use of the highways in this state by such motor carriers, as provided in Section 3847.16 *of this act.*

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"(k) The word 'railroad' means the movement of cars on rails, regardless of the motive power used therefor." "Railroad".

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 2, 1943.

CHAPTER 154

An Act to Amend Section 1759.3 of the Revised Codes of Montana for 1935, as Amended by Chapter 72 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana for 1937, and All Other Acts Amendatory Thereof, Relating to Disposition of Motor Vehicle Taxes and License Fees; and to Amend Section 1760 of the Revised Codes of Montana for 1935, as Amended by Chapter 138 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana for 1937, and All Other Acts Amendatory Thereof, Relating to Registration of Motor Vehicles, Fees, Disposal of Proceeds, Fee for Half Year, Dealers' Registration and Transfer Thereof, and Exempting Public Owned Vehicles; and Providing Fees for Tractors, Defining Same, and Fees for Trailers and Semi-trailers and Providing for Disposition of Said Fees and License Fees, and Providing for Transfer From the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund) of All Moneys Now in Said Motor Vehicle Fund Which Were Collected by the Registrar as Fees Other Than License Fees, and Providing That Hereafter All Fees, Other Than License Fees, Except Dealer License Fees, Mentioned and Described in Sections 1758.3 and 1758.4, Both as Amended by Chapter 72 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana for 1937, and All Other Acts Amendatory to Either of Such Sections, and in Section 1763.3 of the Revised Codes of Montana for 1935, Shall Be Deposited in the Motor Vehicle Recording Fund of Said Registrar (Sometimes Called the Motor Vehicle Administrative Fund); and Providing for the Distribution of Moneys in Said Motor Vehicle Recording Fund Title of act.

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(Sometimes Called the Motor Vehicle Administrative Fund), and Eliminating as an Expense to the Counties of the Making and Delivering of License Plates and Identification Marks, Certificates and All Other Expenses of Operating the Motor Vehicle Department of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1759.3 of the Revised Codes of Montana for 1935, as amended by Chapter 72 of the laws of the twenty-fifth legislative assembly of the State of Montana for 1937, and all other acts amendatory thereof, be, and the same is hereby, amended to read as follows:

"Section 1759.3. **Disposition of Taxes and License Fees Collected and** *Method of Payment of Expenses of Costs of Making and Delivering License Plates and Identification Marks, Certificates and All Other Expenses of Operating the Motor Vehicle Department.* The county treasurer shall credit all taxes on motor vehicles so collected to a motor vehicle suspense fund and, at some time between March 1st and March 10th of each year, and every sixty days thereafter, the county treasurer shall distribute the same in relative proportions required by the levies for state, county, school district and municipal purposes in the same manner as other personal property taxes are distributed. All motor vehicle license fees collected by the county treasurer shall be credited to the motor vehicle license fund hereby established. The cost of making and delivering license plates and identification marks, certificates, and all other expenses of operating the motor vehicle department of the State of Montana, shall be *paid out of the motor vehicle recording fund (sometimes called the motor vehicle administrative fund);* provided, however, that each county shall receive its pro-rata share of any license fees, except dealer license fees, paid to the registrar of motor vehicles. The remainder in said *county* motor vehicle license fund shall be transferred by the county treasurer at the end of each month to the road fund of said county and shall be used by the county for the purpose set forth in Section 1760."

Disposition of taxes and license fees collected.

Cost of license plates, identification marks, certificates and other expenses of department to be paid, how.

Section 2. That Section 1760 of the Revised Codes of Montana for 1935, as amended by Chapter 138 of the laws of the twenty-fifth legislative assembly of the State of

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Montana for 1937, and all other acts amendatory thereof, be, and the same is hereby, amended to read as follows:

"Section 1760. **Registration** *Fees* **of Motor Vehicles—Fees—Disposal of Proceeds—Fee for Half Year—Dealers' Registration and Transfer Thereof—Public Owned Vehicles Exempt From** *License or Registration* **Fees—** *License or Registration* **Fees for Trailers and Semi-Trailers and Tractors, and Defining Same—***Providing for Transfer of Funds From the Motor Vehicle Fund of the Registrar of Motor Vehicles to the Motor Vehicle Recording Fund (Sometimes Called the Motor Vehicle Administrative Fund)—Providing for Deposit of All Fees, Other Than License Fees, Except Dealer License Fees, Collected by the Registrar of Motor Vehicles, in said Motor Vehicle Recording Fund for the Payment of Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.* Registration *or license* fees shall be paid upon registration or re-registration of motor vehicles, trailers, semi-trailers and dealers in motor vehicles or automobile accessories in accordance with this act, as follows:

Registration or license fees of motor vehicles.

"Dealers in motor vehicles other than motorcycles, a minimum fee of thirty dollars ($30.00) which shall entitle such dealer to two (2) sets of number plates, and five dollars ($5.00) additional fee for each additional set of number plates up to six (6) sets, and two dollars ($2.00) additional fee for each additional set of number plates, as may be applied for by such dealer; provided, that each dealer be required to furnish the registrar of motor vehicles a statement showing the makes of motor vehicles handled by him, and the total number of each make sold by him during the preceding year, and that he not be issued a license unless he so conforms;

Dealers.

"Dealers in motorcycles, fifteen dollars ($15.00);

Fees.

"Dealers in automobile accessories, except automobile dealers, ten dollars ($10.00);

"Motor vehicles, weighing twenty-eight hundred and fifty (2850) pounds, or under, other than motor trucks, five dollars ($5.00);

"Motor vehicles, weighing over twenty-eight hundred and fifty (2850) pounds, other than motor trucks, ten dollars ($10.00);

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Fees.

"Electrically driven passenger vehicles, ten dollars ($10.00);

"All motorcycles, two dollars ($2.00);

"Tractors and/or trucks of one (1) ton capacity or under, five dollars ($5.00);

"Tractors and/or trucks over one (1) ton and up to and including one and one-half (1½) tons capacity, ten dollars ($10.00);

"Tractors and/or trucks over one and one-half (1½) tons and up to and including two (2) tons capacity, twenty-two dollars and fifty cents ($22.50);

"Tractors and/or trucks over two (2) tons and less than three (3) tons capacity, thirty-seven dollars and fifty cents ($37.50);

"Tractors and/or trucks of three (3) tons and less than five (5) tons capacity, sixty dollars ($60.00);

"Tractors and/or trucks of five (5) tons capacity and over, two hundred dollars ($200.00); provided that tractors shall not be construed as meaning farm tractors used on farms or tractors used solely in logging operations but only such tractors as are part of a unit to haul over the highways;

"Busses shall be classed as motor trucks and licensed accordingly;

"Trailers and semi-trailers, over one thousand (1000) pounds and not over one (1) ton capacity, two dollars ($2.00);

Trailers and semi-trailers.

"Trailers and semi-trailers, over one (1) ton and less than two (2) ton capacity, fifteen dollars ($15.00); over two (2) ton and less than three (3) ton capacity, twenty dollars ($20.00); over three (3) ton and less than four (4) ton capacity, twenty-five dollars ($25.00); over four (4) ton and less than five (5) ton capacity, thirty dollars ($30.00); over five (5) ton capacity, two hundred dollars ($200.00); provided that trailers owned by farmers and used in the transportation of his own livestock and his own farm produce with a five ton (5) capacity or more, shall be excluded from such provisions and the fee shall be five dollars ($5.00). And be it further provided that trailers

Trailers owned by farmers.

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Trailers for particular uses.

used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery and bridge material exclusively, new and second-hand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of fifteen dollars ($15.00) annually, regardless of size or capacity.

"All rates to be twenty-five per cent (25%) higher for motor vehicles, trailers and semi-trailers, when not equipped with pneumatic tires;

"Bicycles with motor attachments, one dollar ($1.00).

"Tractors, as specified in this section, shall mean any motor vehicle used for towing a trailer or semi-trailer.

Disposition of fees.

"All license or registration fees collected by the county treasurer of the county in which any motor vehicle is registered shall be credited to the motor vehicle license fund of said county. The funds in said *county* motor vehicle fund shall be used as follows:

County motor vehicle fund, how used.

"(a) Fifty per cent (50%) of the net *license* fees derived from the registration of motor vehicles, the owners of which reside within the boundaries of any incorporated city of the State of Montana, having a population of thirty-five thousand (35,000), or more, according to federal census of 1930, shall be held by county treasurer and segregated from other county road funds and be designated as 'city road fund', to be used in city from which fees were derived for the construction of permanent streets within the incorporated limits of such city.

License fees held in city road fund, how used.

"(b) The *license* fees held in the city road fund, as hereinabove provided, shall be used by the city council of such city having the population of thirty-five thousand (35,000), or more, according to the federal census of 1930, only for the construction of permanent highways and streets within the boundaries of such incorporated city. Provided, that all construction of public highways and streets, the cost of which is to be paid out of the fund derived from the license fees as herein provided, shall be under the supervision of the county surveyor of the county within whose boundaries such city is situated, subject to the control of the said city council and surveyor to designate the public highway or street upon which the work is to be done, and the type of pavement to be used, and pro-

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vided further, that the cost of supervision of the county surveyor shall not exceed five per cent (5%) of the cost of said work.

Use by county of license fees derived from registrar of motor vehicles.

"(c) The net *license* fees derived from the registration of motor vehicles shall be by the registrar of motor vehicles transmitted to, and paid over to the county treasurer of the county from which the registration fee came, such fees excepting apportionment to city road fund, to be used by said county for the construction, repair and maintenance of all public highways, except state and federal highways, within the boundaries of said county, including city streets forming component parts of arterial highways within the corporate cities of less population than thirty-five thousand (35,000), according to the federal census of 1930, within the boundaries of said county.

Fee for late registration.

"If any dealer, or motor vehicle, or trailer, or semi-trailer is originally registered six (6) months after the time of registration as set by law, the registration *or license* fee for the remainder of such year shall be one-half (½) of the regular fee above given.

Dealer having more than one place of business must register for each place.

"A dealer in motor vehicles or automobile accessories who shall maintain more than one (1) place of business or who shall maintain any branch establishment or establishments, must register and pay a registration *or license* fee for each such place of business or establishment.

Dealer, upon a sale of his entire business, may have certificate of registration transferred.

"A registered dealer, who may sell or dispose of his entire business to any other person, may have his certificate of registration transferred to such purchaser upon filing with the registrar of motor vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the

Fee.

filing of such statement, accompanied by a filing fee of one dollar ($1.00), the registrar of motor vehicles shall note upon the registration record of such dealer the change of ownership. But no certificate of registration can be transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchaser of such business.

"The provisions of this act with respect to the payment of registration fees shall not apply to or be binding upon

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motor vehicles, trailers or semi-trailers or tractors owned or controlled by the United States of America or any state, county or city, but in all other respects the provisions of this act shall be applicable to and binding upon motor vehicles, tractors, trailers, and semi-trailers.

Act not applicable to vehicles owned by United States, state, counties or cities.

"All fees, other than license fees, mentioned and described in Sections 1758.3 and 1758.4, both as amended by Chapter 72 of the laws of the twenty-fifth legislative assembly of the State of Montana for 1937, and all other acts amendatory to either of such sections, and in Section 1763.3 of the Revised Codes of Montana for 1935, shall hereafter be deposited in, and paid into, the motor vehicle recording fund of said registrar (sometimes called the motor vehicle administrative fund), out of which shall be paid all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles.

Fees to be paid into motor vehicle recording fund of registrar.

"There shall be immediately transferred from the motor vehicle fund of the registrar of motor vehicles to the said motor vehicle recording fund all moneys now in said motor vehicle fund which were collected by the registrar of motor vehicles as fees other than license fees.

"Whenever, in the judgment of the state board of examiners, there shall be in said motor vehicle recording fund more moneys than are reasonably required or needed to pay all salaries, operating expenses, and all other expenses of the department of the registrar of motor vehicles, such board shall distribute such unneeded surplus or excess to the fifty-six (56) counties of the state in a pro rata manner based upon the total number of motor vehicles registered in each county."

Disposition of surplus in such fund.

Section 3. This act shall be in full force and effect immediately after its passage and approval.

Effective date.

Approved March 2, 1943.

CHAPTER 155

An Act Relating to the Defense of the State, Granting Emergency War Powers to the Montana War Council and the Political Subdivisions of the State and Otherwise Prescribing the Incidents Thereof.

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Be it enacted by the Legislative Assembly of the State of Montana:

Title of act.

Section 1. This act may be cited as the "state emergency war powers act of 1943." All duties now imposed on the Montana preparedness and advisory commission shall be delegated to and assumed by the Montana war council, and any money, property or appropriation made to or acquired by the Montana preparedness and advisory commission shall be transferred to the Montana war council.

Duties and funds transferred to Montana war council.

Montana war council created.

Section 2. There is hereby created a council consisting of five (5) members, to be known as the Montana war council. The governor and the commissioner of agriculture, labor and industry shall be ex-officio members of such commission, and the governor shall be chairman thereof, and the commissioner of agriculture, labor and industry shall be secretary thereof, and the other members shall be citizens of the state and be appointed by the governor. The members of the council shall serve without pay, but may be allowed necessary traveling expenses incurred in the performance of their duty. All vacancies on the council shall be filled by appointment by the governor.

Powers.

Section 3. Such council shall have power to adopt by-laws for its government and the convenient transaction of its business and to change such by-laws from time to time, and provide for the discharge of all duties of the council by subordinate officers, agents, subcommittees and otherwise; to employ such employees as may be necessary and prescribe their duties. All official acts of the council shall require a majority vote of the council.

Acts by majority vote.

County council.

Section 4. The chairman of the council shall have authority to appoint three (3) resident citizens in each of the various counties of the state to perform such duties as the council may order or require, but the county council shall have no authority to take affirmative action except upon the direction, advice or consent of the state council. Members of the county council shall not be paid any salary or per diem, but may be paid actual expenses when traveling on official business.

Section 5. It is hereby found and declared that it is necessary, because of the war in which the United States of America is engaged, to grant to the Montana war council

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and the political subdivisions of the state the emergency war powers and the incidents thereof enumerated herein. It is further declared to be the purpose of this act and the policy of the state thereby to assist the president of the United States of America, as commander-in-chief of the army and navy, in the successful prosecution of the war; to cooperate with the federal government and other states in matters relating to the war effort; to meet the extraordinary conditions and problems resulting in this state from the war by establishing such organizations and taking such steps as are necessary and appropriate to carry out the provisions of this act; and, generally, to defend the state, protect the public peace, health, and safety, and preserve the lives and property of the people of the state.

Declaration of necessity and policy.

Section 6. **General Emergency War Powers of the Montana War Council.** The Montana War Council is authorized and empowered:

General emergency war powers of Montana war council.

(a) Cooperation with the president and others: To cooperate with the president of the United States of America, the army, the navy, and all military forces under his command; to take any measures which it may deem proper to carry into effect any request of the president, the secretary of war, the secretary of the navy, and the federal director of civilian defense, for any action looking to the national or state defense, the conduct of the war, the protection of public peace, health, and safety, or the preservation of life or property within the state;

Cooperation with the president and military authorities.

(b) Use of property, service, and resources: To use and employ within the state, from time to time, and as it may deem expedient, any of the property, services, and resources of the state, for the purposes set forth in this act;

Use of property, services and resources of state.

(c) Compliance: All state and local law enforcement officers and agencies are hereby directed to cooperate with the Montana war council for the purpose of securing compliance with the provisions of this act and with the orders, rules, and regulations made pursuant to this act;

Compliance.

(d) Organizations: (1) To utilize the cooperation of existing state officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof; and all such officers and agencies shall cooperate with and extend their

Cooperation of state officers and agencies and political subdivisions.

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Establishment of agencies.

services and facilities to the Montana war council as it may request. (2) To establish agencies and offices and to appoint executive, technical, clerical and other personnel to carry out the provisions of this act.

Investigations and surveys regarding foods, necessities of life and defense, industries, resources and facilities.

Section 7. **Investigations and Surveys Regarding Foods, Necessities and Life and Defense, Industries, Resources and Facilities.** The Montana War Council is authorized and empowered to ascertain the amount of food and other necessities of life or defense within this state, the amount of land and labor available for the production and processing of food and clothing, the means of obtaining without the state food, clothing and other necessities of life and the distribution of the same; to make such other surveys of the industries, resources, and facilities of the state as are necessary to carry out the purpose of this act; and, in making such investigations and surveys, to compel by subpoena the attendance of witnesses, and the production of books, papers, records, and documents of individuals, firms, associations, and corporations; and all officers, boards, commissions and departments of the state, and the political subdivisions thereof, having information with respect thereto, shall cooperate with and assist it in making such investigations and surveys.

Blackouts and other precautionary measures.

Section 8. **Blackouts and Other Precautionary Measures Against Air Raids and Other Forms of Attack.** (a) To protect life and property, the Montana war council, through the political subdivisions of the state and the several municipalities and unincorporated towns of the state, is hereby authorized and empowered to carry out, throughout the state or in any area thereof, precautionary measures against air raids and other forms of attack, including practice blackouts, blackouts, radio silences, and such other measures as will suppress any activity which may assist an enemy and such other precautionary measures as will prevent or minimize the loss of life or injury to persons and property which might result from such attacks, and to make, amend, or rescind such orders, rules, and regulations as may be deemed necessary in connection therewith; provided, that no such action, order, rule or regulation shall be inconsistent with any action, order, rule, or regulation of the armed forces of the United States or of the federal director of civilian defense. Blackouts and radio silences shall be carried out only in such areas, at such time, and for such periods, as shall be designated

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by air raid warnings or orders with respect thereto issued by the United States army, or its duly authorized agency, and only under such conditions and in such manner as shall be consistent with any such warning or order; and practice blackouts shall be held only when and as authorized by the United States army or its duly designated agency.

Council may delegate authority.

(b) The Montana war council is authorized to delegate in writing, whenever it determines the circumstances warrant, the authority granted by this act to carry out precautionary measures to such agencies or persons as it may designate or appoint for such purpose, or as may be designated or appointed for such purpose pursuant to orders, rules, or regulations promulgated pursuant to this act, and to modify or revoke such authority at any time.

May act in concert with authorities of other states.

(c) The Montana war council is further authorized to act in concert with the authorities of other states to effect such synchronization and uniformity of blackouts and other precautionary measures as may be necessary to carry out the intent and purpose of this act.

Power of local war councils.

(d) To protect life and property, the local war council of each political subdivision of the state is hereby authorized to carry out in its jurisdiction such precautionary measures as may be ordered by the Montana war council and such additional precautionary measures as such local war council may deem necessary, and to make, amend, or rescind such orders, rules, and regulations as may be deemed necessary in connection therewith, subject, however, to the limitation and provisions of paragraph (a) of this section; provided, however, that no such action, order, rule, or regulation shall be inconsistent with any order, rule, or regulation of the Montana war council or of the armed forces of the United States or their duly designated agency, or of the federal director of civilian defense.

Further enumeration of powers.

(e) Without limiting the generality of the foregoing provisions, the orders, rules, and regulations authorized in paragraphs (a) and (d) hereof may include provisions respecting uniform air raid signals, the control of vehicular and pedestrian traffic, evacuation of persons, congregation of persons in public places or buildings, lighting and noises of all kinds; and provisions as to the recruitment, qualifications, training, equipment, powers, rights,

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duties, privileges and immunities of persons authorized to be appointed purusuant to Section 13 hereof, and the ordinances passed in conformity herewith by the several city and town councils of the state.

Duty of state and local enforcing authorities.

(f) The law enforcing authorities of the state and of the political subdivisions thereof, and the cities and towns by ordinance, shall enforce the orders, rules, and regulations issued pursuant to this act.

Limitation of liability of state agents and political subdivisions.

(g) (1) Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a civilian defense worker, or member of any agency engaged in civilian defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or any pension law or any act of congress. (2)

Further limitation of liability.

Neither the state nor any political subdivision of the state, nor any city or town of the state, nor, except in cases of willful misconduct, the agents or representatives of the state nor any political subdivision thereof, nor any civilian defense worker nor member of any agency engaged in any civilian defense activity, complying with, or attempting to comply with this act, or any order, rule, or regulation promulgated pursuant to the provisions of this act or pursuant to any ordinance relating to blackouts or other precautionary measure enacted by any political subdivision of the state shall be liable for the death of or injury to persons or for damage to property as a result of such activity.

Section 9. **Lease or Loan of State Property: Transfer of State Personnel.** Notwithstanding any inconsistent provision of law, general, special or local: (a) On the advice of the Montana war council, the governor may: (1) Authorize any department or agency of the state to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, any real or personal property of the state, or authorize the temporary transfer or employment of personnel of the state to or by the army, navy, or any other branch of the armed forces of the United States of America; (2) Enter into a contract on behalf of the state for the lease or loan, on such terms and conditions as he may deem necessary to promote the public welfare and

Lease or loan of state property, and transfer of personnel.

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protect the interests of the state, of any real or personal property of the state, or the temporary transfer or employment of personnel of the state to or by any political subdivision of the state.

(b) On the advice of the Montana war council, the war council of each political subdivision of the state may: (1) Enter into such contract, and execute any such lease, or accept any such loan, or employ such personnel, and such political subdivision may equip, maintain, utilize and operate any such property and employ necessary personnel therefor in accordance with the purposes for which such contract is executed. (2) Do all things and perform any and all acts, which it may deem necessary to effectuate the purposes for which such contract was entered into.

Local war council, powers of.

(c) Time Limitations. Any lease, loan, or contract entered into pursuant to this section shall be for a period not longer than the effective period of this act.

Time limitations.

Section 10. **Emergency War Powers of Political Subdivisions.** To protect life and property, the war council of each political subdivision of the state, and each city and town of the state, is hereby authorized to carry out in its jurisdiction such precautionary measures as may be ordered by the Montana war council and such additional precautionary measures as such council may deem necessary, subject, to the limitations and provisions of this act; provided, that no such action shall be inconsistent with any order, rule, regulation, or action of the Montana war council or of the armed forces of the United States or their duly designated agency or of the federal director of civilian defense.

Emergency war powers of political subdivisions.

Section 11. **Auxiliary Defense Agencies.** The war council of each political subdivision of the state and each city and town of the state, may appoint and remove, or provide for the appointment and removal of, air raid wardens, auxiliary fire and police personnel and other civilian defense workers; but no such appointment or removal shall be made to or from positions under the appointive authority of the armed forces of the United States or the federal director of civilian defense.

Auxiliary defense agencies.

Section 12. **Mobilization for Fire Defense.** (a) Out-

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Mobilization for fire defense.

side Service by Paid Volunteer and Auxiliary Firemen. At the request of the governing body of any county, city, town, village, or fire district, the head of any fire department or any other political subdivision may assign and make available for duty and use in such county, city, town, village, or fire district, under the direction and command of such officer as may be designated for the purpose, any part of the fire-fighting forces and equipment under his control; provided, that any equipment made available by loan, or otherwise, to any county, city, town, village, or fire district in the state, by the United States government, or any agency thereof, shall at all times be subject to the order of the United States government, or such agency, in accordance with the terms and conditions upon which such equipment shall have been made available.

Powers, duties, rights, privileges and immunities.

(b) Powers, Duties, Rights, Privileges, and Immunities. Whenever the fire-fighting forces of any county, city, town, village, or fire district are rendering outside aid pursuant to this section, the officers and members of such fire-fighting forces shall have the same powers, duties, rights, privileges, pensions, insurance coverage, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

Loss, damage and expense.

(c) Loss, Damage and Expense. The county, city, town, village, or fire district in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage or expense shall be allowed unless, within sixty (60) days after the same is sustained or incurred, an itemized statement of such claim, under oath, is served by mail or otherwise upon the county, city, town, village, or fire district where the equipment was used.

Liability for acts and omissions.

(d) Liability for Acts or Omissions. Neither the state nor the political subdivision of the state, whose fire-fighting forces are rendering outside aid pursuant to this section, shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith; nor shall any commissioner, chief or other superior officer of a fire department acting pursuant to this section, be liable on account of any act or omission on the part of any of his subordinates while such

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subordinates are rendering outside aid pursuant to this section under the command of an officer other than himself.

(e) Reimbursement for Salaries and Expenses. The political subdivision which is aided pursuant to this section shall reimburse the political subdivision furnishing such aid for the compensation paid to employees furnished under this section during the time the rendition of such aid prevents them from performing their duties in the political subdivision by which they are employed and shall defray the actual traveling and maintenance expenses of such employees while they are rendering such aid. The term "employees" as used herein shall mean and the provisions of this section shall apply with equal effect to paid, volunteer, and auxiliary firemen.

Reimbursement for salaries and expenses.

Section 13. **Orders, Rules and Regulations.** (a) By the Montana War Council. The Montana war council may make, amend and rescind such orders, rules, and regulations as it may deem advisable to carry out the provisions of this act.

Orders, rules and regulations.

(b) Supplementary Orders, Rules, and Regulations by Political Subdivisions and Other Agencies. The political subdivisions of the state and other agencies designated or appointed by the governor are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary to supplement the carrying out of the provisions of this act, but not inconsistent with any orders, rules, or regulations promulgated by the Montana war council.

Supplementary orders, rules and regulations.

(c) Not Inconsistent with Federal Action. In order to attain uniformity as far as practicable throughout the country in measures taken to aid the prosecution of the war and civilian defense, all action taken under this act and all orders, rules and regulations made pursuant thereto, where not already specifically provided for herein, shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations and request.

Not inconsistent with federal action.

Section 14. **Penalties.** Any person violating any pro-

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vision of this act or any rules, orders, or regulations, made pursuant to this act, shall, upon conviction thereof, be punishable by a fine not exceeding one hundred dollars ($100.00) or imprisonment for not exceeding thirty (30) days or both.

Penalties.

Section 15. **Coordination With Federal Bureau of Investigation.** Nothing in this act shall be construed to authorize the establishment of, or action by or over, any intelligence or law enforcement agency of the state or any of its political subdivisions, which would interfere with any program whereby the federal bureau of investigation of the department of justice coordinates within the state the handling of intelligence and internal security matters by law enforcement officers and law enforcement agencies.

Coordination with federal bureau of investigation.

Section 16. **Coordination With the Armed Forces of the United States.** Anything in this act to the contrary notwithstanding, no action shall be taken under this act, and no order, rule, or regulation made pursuant thereto which is inconsistent with any relevant order, rule, or regulation of the armed forces of the United States.

Coordination with the armed forces of the United States.

Section 17. **Liberality of Construction.** This act shall be construed liberally in order to effectuate its purposes.

Liberality of construction.

Section 18. **Severability.** If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Severability.

Section 19. **Effective Date: Termination.** An emergency exists and this act is in effect immediately upon its passage and approval and it shall remain in force for the duration of the existing war and for six (6) months after termination thereof by the signing of a definite treaty of peace, or by the proclamation of the president of the United States that hostilities have ceased, or that the emergency in justification of war time powers no longer exists.

Effective date.

Termination.

Section 20. **District Council of Defense.** In cooperation with local officials, the council is authorized to establish district war councils in critical areas of the state of especial importance in defense activities. Such district councils shall act as coordinating agencies under the super-

District council of defense.

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vision and direction of the Montana war council, and in cooperation with local governmental agencies.

Section 21. **County Appropriation.** The boards of county commissioners are hereby authorized and empowered to carry out the purposes of this act, to declare an emergency and expend from the general fund of the county, such amount as they shall deem necessary to pay all expenses of such operations in such county between the date of the passage and approval of this act and the twentieth day of July, 1943. That in the preparation of the budget for the ensuing year or years, the boards of county commissioners are hereby authorized and empowered to budget for the expenses thereof, a sum or sums, not to exceed the amount specified in the following classification of counties: Class first, second and third counties—Not over five thousand dollars ($5,000.00); class fourth and fifth counties—not over three thousand five hundred dollars ($3,500.00); class sixth and seventh counties—not over one thousand dollars ($1,000.00).

County appropriation.

Section 22. There is hereby transferred to the Montana war council, created hereby, all physical assets, property, funds and accounts belonging to, or administered by the Montana preparedness and advisory commission, whose powers and functions expired pursuant to the terms of Chapter 142, of the laws of the twenty-seventh legislative assembly of 1941, and the same shall be held, administered and expended by the Montana war council pursuant to the terms of this act.

Transfer of assets and property to Montana war council.

Approved March 3, 1943.

CHAPTER 156

An Act to Amend Sections 12,493, 12,494, 12,499, 12,504, 12,506 and 12,508 and to repeal Sections 12,490 and 12,498, Revised Codes of Montana, 1935, All Relating to the Montana State Industrial School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12,493, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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Supervision and control.

"Section 12,493. **Supervision and Control.** The general supervision and control of the Montana state industrial school is vested in the state board of education and a local executive board *appointed in the manner and having the powers and duties as provided in Sections 842 to 849, Revised Codes of Montana, 1935, and in addition thereto such powers and duties prescribed and set forth in Chapter 118 of the penal code of the Revised Codes of Montana, for the board of trustees, and wherever the terms "board" or "board of trustees" may be used therein they shall be deemed and construed to mean the executive board."*

Section 2. That Section 12,494, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Objects and purposes.

"Section 12,494. **Objects and Purposes—Commitment to School.** Said school shall be for the keeping and reformatory training of all *male* youths between the ages of *twelve (12)* and twenty-one (21) years who are residents of the State of Montana and who have been regularly committed to said school by a duly authorized court. Such youths shall be presented to the presiding officer of said school by an accompanying officer, *employee of said school,* parent, or guardian, who shall likewise exhibit a certificate of commitment from the court ordering same."

Commitment to school.

Section 3. That Section 12,499, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Branches to be taught.

"Section 12,499. **Branches to Be Taught.** All the branches taught in the public schools of the state shall be taught in the *industrial* school, and the inmates shall be taught and trained in morality, temperance and frugality, and they shall also be instructed in the different trades, *vocations* and callings, as far as possible *within* the scope of the institution."

Section 4. That Section 12,504, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Commitment, contents of order.

"Section 12,504. **Expenses.** *It shall be stated in the order of commitment the* place where the boy resided at the time *he was taken into custody,* his age, as near as can be ascertained, *and that such boy has not been con-*

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victed of any crime and is not deprived of any of his civil rights or privileges by reason of the making of such order of commitment; and *shall* command such officer, *or an employee of the industrial school designated for such purpose as provided in Chapter 97, Session Laws 1941,* to take such boy and deliver him without delay to the *president* of said school, or other person in charge thereof, at the place where the same is located, and the showing of such certificate of the purposes of this act shall be conclusive evidence of his residence or age; accompanying this warrant the judge shall transmit by the officer *or employee of the school* executing it, a statement of the nature of the complaint to the president, together with such other particulars concerning the boy as the judge is able to ascertain; provided that the expense of committing the boy to said school *and* the returning of him to his parent or guardian after his release therefrom, shall be at the expense of the county from which such boy is committed; *and provided further that the county from which any boy committed to such school shall be sent shall be liable for the expense attending the care, education, training and safekeeping of such boy until he shall have been finally discharged by the executive board of said school, and shall pay for the same thirty-five cents (35c) per day until his final discharge. On the first of every month the president of such school shall prepare and transmit to the respective boards of county commissioners of the several counties liable for such care, education and safekeeping an itemized account showing the name of each boy, the number of days in the immediately preceding month for which such payment is to be made and the amount thereof, and said board of county commissioners, after checking the same for its correctness, shall allow it and pay the same by warrant drawn against its general or poor fund payable to said industrial school, and all such warrants when received shall be by the president of the school transmitted to the state treasurer and the proceeds thereof shall be deposited to the credit of the state general fund; and provided further, that the provisions of this section requiring payment to be made by counties for care, education, training and safe-keeping shall apply to all boys committed to and in such school on the date this act takes effect.*"

Expenses.

Proviso.

Section 5. That Section 12,506, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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Duration of custody.

"Section 12,506. **Duration of** *Custody.* Each boy committed to the state *industrial* school shall remain there until he arrives at the age of twenty-one (21) years, unless paroled or legally discharged; provided that it shall be lawful for the *executive board* upon the recommendation of the *president* of said school to discharge therefrom any boy who has arrived at the age of eighteen (18) years, if it be made to appear while there as an inmate he deported and conducted himself in such a manner as to make it reasonably probable that he has reformed and is a proper person to be discharged."

Section 6. That Section 12,508, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Releases on parole.

"Section 12,508. **Releases on Parole.** The *Executive board, on recommendation of the president of the school* may, at any time after a boy has been in the *industrial* school for a period of *three (3) months* release such boy on trial or parole, but in all cases where a boy is released on trial or parole, he must, at stated intervals, report his conduct to the president and present certificates of good behavior, whereupon his leave *or parole* may be extended, or the *executive board,* by a unanimous vote, may grant him a full and unconditional *discharge* and order him finally released *from the custody and control of such school.* It shall be the duty of the president to recall *and return to the school* any boy who may not be conducting himself properly, or who may not have a suitable home, *and for such purpose such industrial school shall have sole custody and control over any boy so paroled until he shall have reached the age of twenty-one (21) years, or until he shall be finally discharged."*

Repealing clause.

Section 7. That Sections 12,490 and 12,498, Revised Codes of Montana, 1935, and all acts and parts of acts in conflict with this act, be, and the same are hereby repealed.

Effective date.

Section 8. This act shall be in full force and effect on and after July 1, 1943.

Approved March 3, 1943.

CHAPTER 157

An Act Providing for the Placing in the Montana State

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Hospital of Persons Believed to Be of Unsound Mind, But Not to Such an Extent as to Endanger Health, Person or Property, for Examination, Tests and Observation for the Purpose of Ascertaining and Determining the Mental Condition of Such Persons, for Their Discharge Therefrom or Commitment Thereto, and the Procedure Therefor; Providing for the Admission to Such Hospital on Voluntary Application, of Persons, for the Purpose of Having Their Mental Condition Ascertained and Determined by Examination, Tests and Observation, for Their Discharge Therefrom or Commitment Thereto, and the Procedure Therefor; and Providing for the Payment of Costs of Hearings and Care and Maintenance of Such Persons While in Such Hospital.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. When an affidavit has been made, warrant issued, hearing had thereon and examination made of the person named in such affidavit and warrant, in accordance with the provisions of Sections 1431 to 1435, inclusive, Revised Codes of Montana, 1935, as amended by Chapter 117, Session Laws of 1939, the physicians attending such hearing and making such examination, if they conclude that there is reason to believe that such person is disordered in his mind to some extent, but not to such an extent as to endanger health, person or property, must make a certificate on a form prescribed by the superintendent of the Montana state hospital, showing as near as possible:

Examination of person disordered in mind, but not dangerous —certificate by attending physicians.

1. That while they do not believe such person to be disordered in his mind to such extent as to endanger health, person or property, they do believe that such person may be disordered in his mind to such an extent that he should be admitted to the Montana state hospital for further examination and observation.

Contents of certificate.

2. The premonitory symptoms, apparent cause of such disordered mind and the extent and duration thereof.

3. The nativity, age, residence, occupation and previous habits of such person.

4. The place from whence he came, and the length of time he has resided in this state.

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5. The names of the nearest relatives, if known, and the name of any guardian of such person, if there be one, with their names and post office addresses.

Certificate to be filed.

Such certificate must be filed in the office of the clerk of the district court of the county in which such hearing is held.

Section 2. If the physicians' certificate provided for in Section 1 of this act is made and filed, the judge shall make an order directing that a person named therein shall be placed in the Montana state hospital for such time as he may deem necessary, but which shall not be less than two (2) nor more than four (4) weeks, for observation and for further examination for the purpose of determining whether he is disordered in his mind, and if so, whether or not his mind is disordered to such an extent as to require that he should be committed to such hospital, which order shall designate the person to take him to such hospital. Certified copies of the physicians' certificate and of such order shall be given the person designated in such order, and the person so designated shall deliver such person to the Montana state hospital and shall at the same time deliver to the superintendent thereof said certified copies of physicians' certificate and order and the same shall be the authority of such superintendent for receiving, keeping and detaining such person in such hospital for the time specified in said order.

Order that person be placed in the state hospital for observation and further examination.

Section 3. When any person is received at the Montana state hospital for observation under any order of a district judge made in accordance with the provisions of Section 2 of this act, such person may be kept in such hospital not exceeding the maximum length of time specified in said order, during which time the superintendent and physicians of such hospital shall give the person such examinations, tests, and observation and such treatment, if any, as they may deem necessary and required in order to ascertain and determine and improve his mental condition; provided, that if it shall appear to such superintendent and physicians, before the expiration of such maximum time specified in such order, that such time is not sufficient for them to determine or improve the mental condition of such person, the superintendent shall so notify in writing the district judge who made such order, and such district judge or any district judge sitting or acting

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in his place, shall then make a supplemental order authorizing the keeping and detention of such person in such hospital for such additional length of time, not exceeding four (4) weeks in addition to the time specified in the original order. Such written notice from the superintendent and such order shall be filed in the office of the clerk of the district court, and such clerk must immediately make a certified copy thereof and transmit the same to the superintendent of said hospital and such certified copy of order shall be the authority for such superintendent to keep and detain such person in said hospital for the time specified in such order.

Supplemental order for detention of person for additional time.

Section 4. If, while any person is being kept and detained in the Montana state hospital under any order, or orders, made in accordance with the provisions of Sections 2 and 3 of this act, the superintendent and physicians at such hospital, from their examinations, tests and observations of such person, shall conclude and determine either that he is not disordered in his mind, or that he is disordered in his mind but not to such an extent as to justify or require that he be ordered committed to such hospital, the superintendent shall release and discharge him from said hospital, and a certificate, in duplicate, shall be made so stating and reciting, and further stating and reciting that for the reasons stated in such certificate the person named therein has been released and discharged from such hospital, with the date of such discharge and release, each of which copies shall be dated and signed by such superintendent. One (1) copy of such certificate shall be retained in the files of the hospital and the other copy thereof shall be transmitted to the clerk of the district court of the county in which the hearing of such person was had and by such clerk filed as a part of the records of such proceeding.

Release of person from state hospital.

Certificate by superintendent.

Section 5. If, while any person is being kept and detained in the Montana state hospital under any order or orders, made in accordance with the provisions of Sections 2 and 3 of this act, the superintendent and physicians of the hospital, from their examinations, tests and observations of such person shall conclude and determine that such person is disordered in his mind to such an extent as to justify and require that he be ordered committed to such hospital, the superintendent shall make out, in duplicate, a certicate so stating and also stating in as much

If commitment found advisable —procedure applicable.

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detail as may be deemed necessary and proper, the apparent cause or class of such disorder, its progress, the probable duration and condition of the disease and the probable result of any treatment which may be given him in such hospital. Each copy of such certificate shall be signed by the superintendent and by each physician of the hospital who has taken part in the examinations, tests and observations of such person. One (1) of said certificates shall be retained in the files of the hospital and the other copy shall be transmitted to the clerk of the district court of the county in which the hearing was held. Upon receipt of such certificate by said clerk of the district court he shall file such certificate and call the same to the attention of the district judge who made the order for such person to be placed in said hospital for observation, or to the attention of any district judge of the judicial district in which such county is situated, or to the attention of any district judge who is sitting or acting in place of the judge who made the order directing that such person be placed in said hospital for observation, and as soon as possible thereafter such district judge must make an order in duplicate that such person be committed to and retained and confined in the Montana state hospital. Both copies of such order must be delivered to the clerk of the court who must file and record one (1) thereof and transmit the other to the superintendent of such hospital which shall be the authority of such superintendent to keep, detain and confine such person in such hospital. All of the provisions and requirements of Section 1438, Revised Codes of Montana, 1935, as amended by Chapter 117, Session Laws of 1939 applicable thereto shall apply to all orders made under the provisions of this section.

Disposition of certificates.

Section 6. Any resident of this state may make voluntary application for admission to the Montana state hospital in order to have examinations, tests and observations and treatment of his mental condition. Such application shall be in writing and made in duplicate on a form prescribed by the superintendent of such hospital, and if approved by any physician licensed to practice medicine in this state, both copies thereof shall be presented to a judge of a district court who shall enter his written approval on each thereof upon the condition that the applicant, if admitted to such hospital, may be received and kept and retained therein for observation for a period of

Voluntary application for admission to state hospital.

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at least six (6) weeks, unless sooner released therefrom by the superintendent thereof. No entry with regard thereto shall be made in any of the court's records. Upon presentation of both copies of such application to the superintendent of such hospital such superintendent shall cause such person to be examined by the physicians connected with the hospital, and if it shall appear to such physicians, from such examination, that such person is in such mental condition, or condition of mind as to warrant the placing of such person under observation and giving him such further examination and tests, and such treatment, if any, as may be deemed necessary, the superintendent shall receive such person into the hospital and keep and detain him therein for such purposes for a period of not exceeding six (6) weeks. If at any time before the expiration of such six (6) weeks period the superintendent and physicians making and giving him such examinations, tests, observation, and treatment, if any, shall determine and conclude that such person is not disordered in his mind, or is disordered in his mind but not to such an extent as to justify or require his commitment to such hospital, the superintendent shall return both copies of such application to him and release him from the hospital. But if at any time before the expiration of such six (6) weeks period the superintendent and physicians of the hospital making and giving such person such examinations, tests, observations, and treatments, if any, shall determine and conclude that such person is disordered in his mind to such an extent as to justify and require that he be committed to such hospital, the superintendent shall make and prepare a certificate, in duplicate, in substantially the same form and containing substantially the same statements, particulars and information as required by the certificate provided for in Section 5 of this act, and signed in the same manner. One (1) copy thereof shall be retained in the files of the hospital and the other copy, together with a copy of the original application, shall be transmitted to the clerk of the district court of the county from which such person was received, who shall file the same, and immediately call the same to the attention of a district judge of such county, or to a judge sitting and acting in his place. Such district judge shall then make an order in duplicate that such person be committed to and retained and confined in the Montana state hospital. Both copies of such order shall be delivered to the clerk of the dis-

Certificate of superintendent recommending commitment.

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trict court who must file and record one (1) thereof and transmit the other to the superintendent of such hospital which shall be the authority of such superintendent to keep, detain and confine such person to such hospital. All of the provisions and requirements of Section 1438, Revised Codes of Montana, 1935, as amended by Chapter 117, Session Laws of 1939, applicable thereto, shall apply to all orders made under the provisions of this section. The copy of application and the certificate of the superintendent of such hospital shall take the place and be in lieu of and equivalent in every respect to the affidavit and physicians' certificate provided for in Sections 1431 and 1436, Revised Codes of Montana, 1935, as amended by Chapter 117, Session Laws of 1939.

Trial by jury, when.

Section 7. Whenever any order is made under the provisions of Section 5 or of Section 6 of this act committing any person to the Montana state hospital, if such person, or any relative, or friend, or guardian of such person, if there be one, is dissatisfied with such order he may, within ten (10) days after the making of such order, demand that the question of his sanity be tried by a jury, before the district court of the county from which he was committed, such demand must be made in writing, served upon the county attorney, and filed with the clerk of the district court of such county. Upon such demand being made, served and filed a trial must be had in the manner provided by Section 1443, Revised Codes of Montana, 1935, as amended by Chapter 117, Session Laws of 1939, and all of the provisions of such section applicable thereto shall apply to such trial and proceedings in connection therewith.

Duty of clerk of district court.

Section 8. Whenever any order made by a district judge under the provisions of either Section 5 or Section 6 of this act has been filed by a clerk of the court, such clerk must immediately notify in writing the county board of public welfare of such county, of the making of such order.

Section 9. As soon as any order made by a district judge under the provisions of either Section 5 or Section 6 of this act has been filed by the clerk of the district court, such clerk must immediately transmit or deliver to the county board of public welfare of such county a copy of such order. Upon receipt of such copy of order it shall

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be the duty of some member of the staff of such county board of public welfare to make an investigation for the purpose of ascertaining the financial condition of the person named in such order, the property, value thereof, and income therefrom, if any, if such person be the owner of any property, and the names of the persons, if any, legally liable for the care, support and maintenance of such person, and make a written report to the district judge who made such order. Upon receiving such report the district judge shall make such order as he may deem proper with regard to payment to the Montana state hospital for maintenance, care and treatment of the person named in such order while such person remains in said hospital, but if such order direct that such payment be made out of any estate of such person, or by persons legally liable for his care and maintenance the amount fixed therein shall not exceed one dollar ($1.00) per day.

Investigation by county board of public welfare.

Order by district judge.

Section 10. This act shall be in full force and effect on and after July 1, 1943.

Effective date.

Approved March 3, 1943.

CHAPTER 158

An Act to Amend Section 9935 of the Revised Codes of Montana of 1935, Relating to What Estates in Land May Be Acquired by Condemnation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9935 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 9935. **What Estates in Land May Be Acquired by Condemnation.** The following is a classification of the estates and rights in lands *subject to* be taken for the public use:

What estates in land may be acquired by condemnation.

"1. *Such estate or rights as may be necessary up to and including* a fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs or dams and permanent flooding occasioned thereby, or for

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an outlet for a flow, or a place for the deposit, of debris or tailings of a mine.

"2. An easement, when taken for any other use.

"3. The right of entry upon and occupation of lands, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved March 3, 1943.

CHAPTER 159

An Act Providing for the Remission of Penalties and Interest Upon the Redemption of Real Property From Tax Sale Provided Such Redemption Is Made on or Before July 1, 1943, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage and approval of this act, any person having an equitable or a legal interest in real estate heretofore struck off to any county when such property was offered for sale for delinquent taxes and certificate of such sale issued to the county and when no assignment of such certificate has been made, or on which the taxes are delinquent for the first installment of the year 1942, shall be permitted to redeem the same by paying the original taxes due thereon, without the payment of any penalty or interest thereon, provided such redemption be made on or before the first day of July, 1943.

Redemption from tax sale and remission of penalty and interest, when.

Intention of act.

The intent of this act is to modify existing laws relating to redemption from tax sales only to the extent that any redemptioner who shall exercise his right during the period of grace granted herein and before tax deed is taken, shall be relieved of the payment of penalty and interest

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which would otherwise be added to the amount of the original taxes accrued and nothing herein contained shall be construed so as to limit, restrict or prevent boards of county commissioners from ordering that application be made for the issuance of tax deeds, or the issuance of tax deeds to counties, or the assignment of certificates of tax sales in the manner now provided by law and to the same extent and effect as though this act had not been passed. This act shall not in any manner change the nature or effect of any tax deed issued to a county during said period of grace but all of such tax deeds shall, as heretofore, extinguish all rights of redemption on the part of former owners of said property, divest them of all interest in said property and create a new title.

Publication of notice of such right of redemption

Section 2. County treasurers and city treasurers, in their respective counties and cities, shall cause to be published, in at least one (1) issue of the official newspaper of such county or city, a notice of such right of redemption and extension of time, such notice to be published within sixty (60) days from the approval of this act. It shall be the duty of the county treasurer of each county to mail notice to delinquent taxpayers to their last known address, advising them of their rights and the amount of delinquent taxes under the provisions of this chapter, within sixty (60) days after the approval of this act.

Severability of act.

Section 3. If any section, subsection, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional, the same being necessary to the welfare of the State of Montana and the political subdivisions thereof by reason of the existence of an extraordinary emergency.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act is hereby deemed and declared an emergency act and shall be in full force and effect immediately upon its passage and approval.

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CHAPTER 160

An Act Amending Section 5653 of the Revised Codes of Montana, 1935, as Amended by Chapter 66 of the Session Laws of Montana of 1937, Providing for Preference in Employment of Honorably Discharged Men and Women From Service in Wars in Which the United States is or Has Been Involved, in Every Public Department, and Upon All Public Works of the State of Montana, and of Any County and City Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5653 of the Revised Codes of Montana of 1935, as amended by Chapter 66 of the Session Laws of Montana, 1937, be, and the same is amended as follows:

"Section 5653. **Preference of Soldiers and Sailors in Public Employment.** In every public department, and upon all public works of the State of Montana, and of any county and city thereof, honorably discharged Union soldiers and sailors and their widows of the Civil War, the Spanish-American War, the Philippine Insurrection, and of the *World War I, and men and women who are and will be honorably discharged from the present conflict,* and any disabled civilian recommended by the state rehabilitation bureau, shall be preferred for appointment and employment; age, loss of limb or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity, competency and education to discharge the duties of the position involved, and honorably discharged Union soldiers and sailors and their widows of the Civil War, the Spanish-American War, the Philippine Insurrection, and of the *World War I, and men and women who are and will be honorably discharged from the present conflict,* who have disabilities admitted by the veterans' administration of the United States to have been incurred in the service in any of said wars, where said disabilities do not interfere with the employment, said disabled veterans shall be given preference before the employment of able-bodied veterans as herein designated; provided, however, that none of the benefits of this act shall accrue

Preference of soldiers and sailors in public employment.

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to any person who refused to serve on active duty in the military service to which attached, or to take up arms in the defense of the United States; provided, however, that no person, not a citizen of the United States, shall be employed by any state, city or county officer in any capacity if competent American labor is available; and, provided, further, that no person who has not been a resident of Montana for at least one (1) year immediately preceding an appointment shall be entitled to such preference; provided further, that for city or county employment no preference will be granted unless applicant under this act is also a resident of the city or town or county in which employment is sought. That any person entitled to preference in this section who has applied for any appointment or employment upon public works of the State of Montana or of any county and city thereof, or in any public department of said state and who has been denied said employment or appointment and feels that the spirit of this act has been violated and that he is in fact qualified physically, mentally and possesses business capacity, competency and education to discharge the duties of the position applied for, shall have the right to petition by verified petition the district court of the State of Montana in the county in which the work is to be performed, setting forth the facts of his application, qualifications, competency and his honorable discharge or other qualifications warranting him to preference under this act, and upon the filing of such petition any judge in said court shall *have original jurisdiction to determine whether said applicant shall be preferred for appointment and to issue its order directing and ordering said appointing authority to employ said applicant, and said applicant's compensation shall be effective as of the date his employment would have been effective if the appointing authority had employed him.*"

Citizenship required.

Residence.

Hearing petition of person denied employment.

Jurisdiction of court.

Section 2. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one (1) or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Severability of act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 3, 1943.

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CHAPTER 161

An Act Prescribing the Hours When Establishments Licensed by the State of Montana for the Sale of Beer Shall Be Closed, and Forbidding the Sale and Offering for Sale or Giving Away of Beer During the Closed Period, Providing Penalties for the Violations of This Act, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Closing hours for establishments licensed to sell beer at retail.

Section 1. Hereafter all licensed establishments wherein beer as defined by subsection (b) of Section 2815.11 of the Revised Codes of Montana of 1935, as amended by Section 6 of Chapter 30, Laws of 1937, is sold, offered for sale or given away at retail shall be closed during the following hours:

(a). Sunday from two A. M. to one P. M.;

(b). On any other day between two A. M. and eight A. M.;

(c). On any day of a general, primary, or special bond election, during the hours when the polls are open; provided, however, that when any municipal incorporation has by ordinance further restricted the hours of sale of beer, then the sale of beer is prohibited within the limits of any such city or town during the times such sale is prohibited by this act and in addition, thereto, during the hours that it is prohibited by such ordinance.

Sale of beer during closed hours forbidden.

Section 2. During the hours when the said licensed establishments where beer is sold at retail are required by this act to be closed, it shall be unlawful to sell, offer for sale or give away any beer, and during such hours all persons save employees of such licensed establishments shall be excluded therefrom; provided, however, that when a licensed establishment is operated in conjunction with a hotel, restaurant, bus depot, railway terminal, or other lawful business other than that of the sale of intoxicating liquor or beer, then such other lawful business need not be closed, but only the part thereof where such beer or liquor is sold.

Lawful business need not be closed.

Section 3. Any person violating any of the provisions

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of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months or by both such fine and imprisonment.

Penalty.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 3, 1943.

CHAPTER 162

An Act to Amend Section 5266 of the Revised Codes of Montana of 1935, Relating to Maintenance of Lighting Systems and Assessment of Costs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5266 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"5266. **Maintenance of System—Assessment of Costs.** The lights in each district shall be maintained by contract for such period of time and in such way or manner as the city or town council shall elect; provided, however, that the city or town council shall not let a contract for a period to exceed three (3) years. It shall be the duty of the city or town council to estimate, as nearly as practicable, the cost of maintaining such lights and furnishing electrical current therefor each year, and the portion thereof to be assessed against the property embraced within the district, and before the first Monday in October pass and finally adopt a resolution levying and assessing said property within said district with an amount equal to the proportion of the cost of such maintenance and electrical current so determined to be especially assessed against said property, *and may further, until full liquidation is realized, include therein an amount not to exceed twenty per centum (20%) of any floating indebtedness, consisting of valid outstanding warrants drawn and issued against the maintenance funds of the several districts, existing at*

Maintenance of system.

Assessment of costs.

Part of floating indebtedness may be included.

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the close of business on the 30th day of June, 1943, together with not to exceed such per centum of the current interest thereon from such last mentioned date, which moneys derived from such portion of such levy and assessment for such additional amount, if included in such levy and assessment, may only be expended towards liquidating such floating indebtedness, together with the interest thereon, and not otherwise. Said resolution levying and assessing said portion of the cost of maintenance, and for furnishing electrical current therefor, *including such additional amount, if any, towards liquidation of such floating indebtedness,* shall be prepared and certified to in the same manner as the resolution provided for in the preceding section, and the same notice and hearing shall be given thereon, and shall be adopted and certified, and the assessment collected, in the same manner, as nearly as may be, in the case of the resolution provided for in the preceding section. All moneys derived from the collection of the assessment provided for in such resolution shall be paid into a fund known as 'special improvement lighting district No..... maintenance fund' and the number of which shall correspond with the number of the lighting district, for the maintenance of and the supplying of current *and the raising of such liquidating amount, if any,* for which the tax is levied, and such fund shall be used to defray the expense of maintaining and furnishing electrical current for the lights in said district, *and, if such additional amount be included therein, towards the liquidation of such floating indebtedness, together with the interest thereon, as aforesaid,* and for no other purpose; provided, however, that the city or town council shall have the power not more than once in a year to change by resolution the boundaries and number of any maintenance district *but such change of boundaries shall not affect indebtedness existing at the time of such change.* Any special assessment levied and made for any purpose aforesaid, together with all costs and penalties, shall constitute a lien upon and against the property upon which assessment is made and levied, from and after the date of the final passage and adoption of the resolution levying the same, which lien can only be extinguished by payment of such assessment, with all penalties, costs and interest, *or otherwise as provided by law.''*

Disposition of funds derived from assessment.

Lien of assessment.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 3, 1943.

CHAPTER 163

An Act to Amend Section 6175 of the Revised Codes of Montana 1935, Relating to the Powers of Corporations Created for Mutual Hail Insurance and Mutual Fire, Lightning and Other Casualty Insurance of Farm Property and Stock, Providing That Such Corporations Shall Have the Right to Spend in Any One Year Up to Five (5%) Per Centum of Its Net Earnings of the Next Preceding Year for Educational Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6175, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"6175. **Powers of Corporations.** Such corporation and its directors shall possess the usual powers and be subject to the usual duties of corporations and directors thereof, and may make such by-laws, not inconsistent with the constitution or this act, as may be deemed necessary for the management of its affairs in accordance with the provisions of this act, *and shall have the right to spend, in any one year, up to five (5%) per centum of its net earnings of the next preceding year for educational purposes,* and may prescribe the duties of its officers and fix their compensation, and may alter and amend its by-laws when necessary." Powers of corporation.

Section 2. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable. Severability.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1943.

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CHAPTER 164

An Act to Amend Subdivision 12, of Section 6355.13, Revised Codes of Montana, 1935, Relating to Powers and Duties of Building and Loan Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subdivision 12, of Section 6355.13, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"6355.13 Subdivision 12. To borrow money, only when necessary not exceeding twenty (20) per centum of its assets *except when borrowing from the federal home loan bank as hereinafter provided,* and issue its promissory note therefor; provided, that the assets and securities of an association shall not be pledged or hypothecated to secure its borrowed money or for any other purpose, without the consent of the superintendent of banks. However, if the superintendent of banks determines that it is advisable to pledge assets in order that funds may be secured he may authorize such pledging or hypothecation; but in no event shall the margin of security pledged exceed twenty-five (25) per centum of the funds so borrowed *except when funds are borrowed from the federal home loan bank; an association may* borrow money from the federal home loan bank upon such terms as may now or hereafter be required by the federal home loan bank, and to execute the promissory note of the corporation therefor, and to pledge or hypothecate any of the assets of the corporation to secure the repayment of said loan, with interest, in accordance with the federal home loan bank act, and the rules and regulations adopted or to be adopted thereunder."

Power to borrow money.

Proviso.

Approved March 2, 1943.

CHAPTER 165

An Act to Amend Section 1421 of the Revised Codes of Montana, 1935, Providing for the Method of Discharging Patients of the Montana State Hospital for the Insane, and Providing for the Temporary Care and Maintenance of Patients Discharged From Such Institution by the

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Public Welfare Board, and Setting Forth the Duties of the Medical Staff in Making Semi-annual Examinations of Inmates and Setting Forth the Duties of the County Welfare Board Relative to the Temporary Care and Maintenance of Such Persons.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1421, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1421. The board must cause to be discharged from the *Montana state hospital for the insane* any patient upon the written report of *the hospital medical staff,* that such patient is in *satisfactory mental condition to be discharged.* Such written report must be filed and kept in the office of the board, *and every inmate* on recovery must be *ordered released, without requiring a sponsor.*"

Discharge of patient required, when.

Section 2. Upon discharge of any patient of the Montana State Hospital in addition to the financial aid required by Section 1422, the board shall notify the board of public welfare of the county from which such patient was committed, and the said county board of public welfare shall at once ascertain whether the discharged patient is in financial need, and if such patient is found to be in financial need the county board of public welfare shall properly care for and maintain the discharged patient under the provision of the public welfare act until such patient is able to care for himself or other provision has been made for such care.

Duty of county board of public welfare with respect to discharged patient.

Section 3. It shall be the duty of the hospital medical staff to examine the patients who have curable diseases every six months and file a written report with the board giving the name of the patient and the name of the place from which the patient was committed, and the name and address of at least one of the relations of the patient if such can be ascertained.

Periodical examination of patients having curable diseases.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 3, 1943.

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CHAPTER 166

An Act to Amend Section 3566.4, Revised Codes of Montana 1935, as Amended by Chapter 133, Session Laws 1941, Relating to the State Beekeepers' Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3566.4, Revised Codes of Montana 1935, as amended by Chapter 133, Session Laws 1941, be, and the same is hereby amended to read as follows:

"Section 3566.4. *Disposition of Registration Fees.* All registration fees collected under the provisions of this act shall be transmitted by the state entomologist to the state treasurer *who shall deposit the same to the credit of the general fund of the state.*"

Disposition of registration fees.

Section 2. This act shall be in full force and effect on and after July 1, 1943.

Effective date.

Approved March 3, 1943.

CHAPTER 167

An Act to Amend Sections 2156, 2160, 2161, and 2163 of the Revised Codes of Montana of 1935, Prescribing Certain Duties of the County Clerk With Reference to Taxation and Transferring Those Duties to the County Assessor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2156 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"2156. *Before delivering the assessment book to the county clerk as required by Section 2052 of the Revised Codes of Montana of 1935, the assessor* must proceed to add up the valuations, and enter the total valuation of each kind of property, and the total valuation of all property, on the assessment book. The column of acres must show the total acreage of the county."

Duty of assessor.

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Section 2. That Section 2161 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Duty of county clerk —affidavit by.

"2161. *That within five (5) days after the second Monday in August the county clerk must attach to the book the following affidavit:*

" 'I, ..., county clerk of the county of....., do swear that I received the assessment book of the taxable property of the county from the county assessor with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the county and state board of equalization,' *and deliver* the book to the county assessor."

Section 3. That Section 2160 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Computation and entry of tax by assessor.

"2160. The county *assessor* must then compute, and enter in a separate money column in the assessment book, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and foot up the column showing the total amount of such taxes, and the columns of total value of property in the county, as corrected under the direction of the *county and* state board of equalization, *and shall attach thereto his affidavit, by him subscribed as follows:*

Affidavit by assessor.

" *'I, ..., county assessor of the county of....., do swear that I have reckoned the respective sums due as taxes, and have added up the columns of valuations, taxes and acreage, as required by law, and the said assessment book to which this affidavit is affixed is full, true and correct, and made in the manner prescribed by law.' and shall on or before the second Monday of October deliver the completed assessment book to the county clerk."*

Section 4. That Section 2163 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Delivery of assessment book to treasurer.

"2163. *On or before the third Monday of October* the county clerk must charge the treasurer with the full amount of taxes levied *and deliver the original assessment book to the county treasurer."*

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Repealing clause.

Section 5. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1943.

CHAPTER 168

An Act Amending Section 970 of the Revised Codes of Montana, 1935, Relating to the Abandonment of School Districts, and Providing for Schools in Abandoned Territories Under Certain Conditions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 970 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 970. **Abandonment of School Districts.** He shall attach to contiguous districts territory not a part of any district and he shall have power to declare school districts abandoned when no school has been actually held within such district for two (2) consecutive years, if in his judgment there is no immediate prospect of the need of a school, and he must declare a school district abandoned when terms of school aggregating at least twelve (12) months have not been actually held in a district during a period of *three (3)* consecutive years. The county superintendent in determining the question of abandoning any school district under this act must include any period of time that may have elapsed before the approval of this act; provided, however, that if any such district has provided transportation for all children of school age, living within the district, to another district for the purpose of attending school therein for a term of at least six (6) months during each of such *three (3)* years, such transportation to be by means of a safe and proper omnibus, or omnibuses, driven or operated by a competent driver, or drivers, under contract let by the board of trustees of the district, and which driver, or drivers, shall be under proper and sufficient bonds, such transportation shall be deemed equivalent to the actual holding of school in such district

Abandonment of school districts.

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for a term of six (6) months in each year, and such district shall not be ordered abandoned. The abandoned territory shall be attached to a contiguous district or districts whenever there are five or more children in abandoned territory eligible for attendance in an elementary school as determined by the county superintendent and residing more than three (3) miles from an established school in the district to which the abandoned territory is attached, the school trustees shall provide a school in such abandoned territory when requested so to do by the parents of at least three of such children. In determining whether such children reside more than three (3) miles from an established school in the district, the measurement must be by the shortest regularly travelled route. Whenever a school district is ordered abandoned and there is any indebtedness outstanding against the district represented either by registered warrants, or bonds, or both, and there is not sufficient money in the funds of the district to pay the same, all money in the funds of the district shall be set aside and applied in payment of such indebtedness, and there shall be levied annually, in the manner provided by law, a tax against all property within the boundaries of such district, as the same existed when such indebtedness was incurred, sufficient to pay such indebtedness as it matures, with all interest becoming due thereon.

Indebtedness of abandoned district.

"All funds of an abandoned district, after all the debts of the district have been paid, shall be placed in the general fund of the district or districts to which its territory is attached on order of the county superintendent. If the territory of an abandoned district is divided and a part attached to two (2) or more districts, the funds of the abandoned district, after all its debts have been paid, shall be apportioned by the county superintendent between the districts to which such territory is attached in proportion to the assessed value of the property attached to each thereof. The county superintendent shall have power to declare a school district abandoned when there is an insufficient number of residents of said district who could qualify or when the available residents refuse to qualify in sufficient number as trustees for said district so that no legal board can be formed or a quorum obtained so that meetings of a board of trustees of such district can be held. Whenever a school district is ordered abandoned upon order of the county superintendent of schools in such case,

Funds of abandoned districts.

Power of county superintendent.

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Repealing clause.

then he shall attach said school district to a contiguous district or districts as herein provided."

Effective date.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1943.

CHAPTER 169

An Act to Increase the Salaries of All Elective County Officers, Including Justices of the Peace and Constables, Reciting the Need of Such Increased Salaries, Declaring an Emergency for a Certain Time.

Preamble.

Whereas, the war has increased the costs of living to such an extent that salaries now fixed by law for county officers are quite inadequate to support a family; and participate in government saving programs; and

Whereas, the salaries and wages for war and defense workers are so much in excess of those paid to county officers that many deputies have now resigned, and there is grave risk that many others, including elected officers, will resign in the future, whereby county administration and public service generally will be greately impaired; and

Whereas, it is the purpose of this act to enable the counties of this state to retain adequate experienced and competent personnel to the end, that our local governments may function effectively during our war effort in this emergency; and

Whereas, the State of Montana possesses the right under its police power to declare a state of emergency to exist, it is hereby declared by the legislative assembly of the State of Montana that an emergency does now exist, and that this emergency necessitates and justifies the enactment of such temporary relief as is here in provided for and, therefore;

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. The salaries of all elective county officers, including justices of the peace and constables, as now prescribed by law are hereby increased ten per cent (10%) until March 1, 1945.

Salaries of elective county officers increased for limited period.

Section 2. All acts and parts of acts in conflict herewith are hereby modified until March 1, 1945. It is the express intention of the legislative assembly that the salaries now fixed by law shall govern as to elective county officers from and after March 1, 1945.

Modification of conflicting acts.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

This bill having remained with the governor five days (Sundays excepted), and the legislative assembly being in session, it has become a law this fourth day of March, A. D. 1943.

SAM W. MITCHELL,
Secretary of State.

CHAPTER 170

An Act Relating to County Budgets, Providing for the Enactment of a New Section as a Part of the County Budget Law, to Be Numbered Section 4613.4A, Providing for Budget Appropriations for Payment of Outstanding Warrants, and Amending Section 4613.6, Revised Codes of Montana, 1935, Relating to Emergency Budgets and Appropriations and Emergency Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby enacted a new section as a part of the county budget law to be numbered Section 4613.4A to be read as follows:

"Section 4613.4A. **Budget Appropriations for Outstanding Warrants.** When, at the end of any fiscal year, any county has outstanding registered emergency warrants against any fund issued by reason of any emergency budget or budgets, and is without sufficient cash in such fund to pay the same with interest thereon, the board of county commissioners must, in the annual budget for such fund for the immediately following fiscal year, make an

Budget appropriations for outstanding warrants.

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appropriation sufficient to pay such warrants, with the interest thereon.

"When, at the end of any fiscal year, any county has warrants outstanding and registered against any fund, other than warrants issued by reason of any emergency budget or budgets, and is without sufficient cash in such fund to pay the same with interest thereon, the board of county commissioners must, in the annual budget for such fund for the immediately following fiscal year, make an appropriation to pay such warrants, or a substantial part thereof, with the interest thereon. The amount of such appropriation shall be fixed and determined by the board of county commissioners, but must, in any event, be at least ten per centum (10%) of the amount which might be collected by a maximum levy for such fund, if the amount of such outstanding and registered warrants, with interest thereon, equals or exceeds such amount.

Appropriation to pay such warrants.

"None of the provisions of this section shall be construed as authorizing a levy to be made for any fund in excess of the limitation now prescribed by existing law, or acts hereafter enacted amendatory thereof."

Limitation.

Section 2. That Section 4613.6, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"4613.6. **Emergency Expenditures—Notice and Hearings — Objections by Taxpayers — Appeal — Notice and Hearing Dispensed With in Extreme Cases—Emergency Warrants—Tax Levy—Lapse of Appropriations.** In a public emergency, other than such as are hereinafter specifically described, and which could not reasonably have been foreseen at the time of making the budget, the board of county commissioners, by unanimous vote of the members present at any meeting, the time and place of which all the commissioners shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet such emergency and shall publish the same, together with a notice that a public hearing will be held thereon at the time and place designated therein, but which shall not be less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution

Emergency expenditures.

Notice and hearing.

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and notice shall be published once in the official newspaper of the county, and if there be none then in a newspaper of general circulation in the county. Upon the conclusion of such hearing, if the commissioners shall approve of such emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the board present at such meeting, an order setting forth the facts constituting such emergency together with the amount of expenditure authorized by them therefor, which order, so entered, shall be lawful authorization for them to expend such amount, but no more, for such purpose, subject however, to the following limitations: No expenditures shall be made or liability incurred pursuant to said order until five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of said county feeling aggrieved by said order may appeal therefrom to the district court for such county by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the county clerk and recorder of said county as the clerk of the board of county commissioners. Said petition shall set forth in detail the objections of the petitioner or petitioners to said order, giving their reasons why the said emergency does not exist. The service and filing of such petition shall operate to suspend such emergency order and the authority to make any expenditure or incur any liability thereunder, until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing such petition which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency, such as is contemplated within the meaning and provisions of this act, exists or not, and whether the expenditure authorized by said order is excessive or not shall be final.

Limitations.

Appeal to district court.

Hearing.

"The total of all emergency budgets, and appropriations made therein, in any one year, to be paid from the county poor fund, shall not exceed twenty five per centum (25%) of the total amount which could be produced for such county fund by a maximum levy, authorized by law to be made for such fund, computed against the taxable value

Limitation of amount of emergency budgets and appropriations.

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of the property subject to such levy, as shown by the last completed assessment roll of the county.

Emergency expenditures authorized, when.

"Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, or for the immediate preservation of order or of public health, or for the restoration of a condition of usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by law, the county commissioners may, upon adoption by unanimous vote of all members present at any meeting, the time and place of which all members shall have had reasonable notice, of a resolution stating the facts constituting the emergency, and entering the same upon their minutes, make the expenditures or incur the liabilities necessary to meet such emergency without further notice or hearing.

Payment by emergency warrants.

"All emergency expenditures shall be made by the issuance of emergency warrants drawn against the fund or funds properly chargeable with such expeditures, and the county treasurer is authorized and directed to pay such emergency warrants with any money in such fund or funds available for such purpose, and if, at any time, there shall not be sufficient money available in such fund or funds to pay such warrants then such warrants shall be registered, bear interest and be called in for payment in the manner provided by law for other county warrants.

Tax levy for payment of warrants.

"The county clerk and recorder shall include in his annual tabulation to be submitted to the board of county commissioners the total amount of emergency warrants issued during the preceding fiscal year, and the county commissioners shall include in their tax levies a levy for each fund sufficient to raise an amount equal to the total amount of such warrants, if there be any, remaining unpaid at the close of such preceding fiscal year because of insufficient money in such fund to pay the same; provided, however, that no levy shall be made for any fund in excess of the levy authorized by law to be made therefor; and provided further, that the board of county commissioners may submit the question of funding such emergency warrants at an election, as provided by law, and

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if at any such election the issuing of such funding bonds be authorized it shall not then be necessary for any levy to be made for the purpose of paying such emergency warrants.

"All appropriations, other than appropriations for incompleted improvements in progress of construction, shall lapse at the end of the fiscal year; provided that the appropriation accounts shall remain open for a period of thirty (30) days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year and remaining unpaid. After such period shall have expired, all appropriations except as hereinbefore provided, regarding incompleted improvements, shall become null and void, and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget."

Lapse of appropriation.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1943.

CHAPTER 171

An Act to Amend Section 3736 of the Revised Codes of Montana, 1935, Relating to the Fees for Issuing Shipping Permits and the Disposition Thereof and Prescribing Who May Sell Shipping Permits.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3736 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"3736. **Fee for Issuing Shipping Permits—Disposal of.** The state fish and game warden shall make a charge of *sixty cents ($.60)* for each and every shipping permit issued by him for the shipment of game or non-game birds, fish, game, animals, or fur-bearing animals, or parts thereof, out of the state. *Persons authorized to sell hunting and fish licenses shall also have authority to sell shipping permits and; of this fee ten cents ($.10) shall be paid to the person who sells the shipping permit and the balance*

Fee for issuing shipping permits.

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shall be turned over to the state treasurer at the time and in the manner provided by law, and the state treasurer shall place such money to the credit of the state fish and game fund."

Disposition of.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1943.

CHAPTER 172

An Act to Amend Sections 1558 and 1564, Revised Codes of Montana, 1935, Relating to the Salaries of the Librarian of the Historical and Miscellaneous Department and the Two Assistant Librarians; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1558 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 1558. **Salaries.** The annual salary of the librarian of the law library shall be twenty-five hundred dollars, ($2500.00) and the librarian of historical library *twenty-four* hundred dollars, ($2400.00), payable monthly out of the general fund of the state treasury."

Salaries.

Section 2. That Section 1564 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"Section 1564. **Assistants to Librarian of Historical Library.** The librarian of the historical and miscellaneous department is hereby authorized and empowered to engage and employ two assistant librarians for said department at an annual salary *to be fixed by the state board of examiners*, payable monthly out of the general fund of the state treasury. The librarian of said department and each assistant shall be persons educated and experienced in library work, and shall be of good moral character."

Assistants to librarian —appointment and salaries of.

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Section 3. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall take effect and be in full force from and after its passage and approval. Effective date.

Approved March 4, 1943.

CHAPTER 173

An Act to Amend Chapter 308 of the Revised Codes of Montana of 1935, Relating to the Protection of Fish and Game by Adding a New Section to Be Known as Section 3722 (A) Authorizing the Taking and Destruction of Beaver When Necessary to Protect Public Health.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 308 of the Revised Codes of Montana of 1935, be, and the same is hereby amended by adding a new section after Section 3722 to be known as Section 3722 (A).

"Section 3722 (A). *Whenever complaint is made to the state board of health that beaver are obstructing the free flow of a stream flowing through a settled area and into which sewage of a town or city is dumped, and the obstruction is such as to endanger public health the state board of health shall immediately investigate the facts regarding such complaint and if it finds that the work of the beavers endangers public health, it shall report the facts to the fish and game commission.* Investigation and report by state board of health.

"It shall thereupon be the duty of the fish and game commission to immediately issue a permit, free of charge, to the landowner upon whose land the beaver dams are located for the removal of the beaver, the number of which shall be designated by the deputy game warden making the inspection. The landowner shall remove all beaver as provided by the permit within ten days after its issuance and shall also within that period remove the dams. Should the landowner refuse to remove the beaver or the dams in the ten-day period, or if he does not desire to do so and so advises the fish and game commission, then the fish and Removal of beaver dams.

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game commission is hereby authorized to remove such beaver by trapping or transplanting and to remove their dam by blasting or other means.

Labor and explosives to be furnished by whom.

"The fish and game commission shall furnish all labor needed to blast out or otherwise remove any such beaver dams. Necessary explosives in such operations shall be furnished by the county in which the beaver dams are located."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1943.

CHAPTER 174

An Act to Provide for the Support of the Government of Montana for the Years 1943 and 1944.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levies for state purposes for 1943.

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1943, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

For general fund.

A. For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter ten (10) of the session laws of the twenty-third legislative assembly of 1933, two (2) mills, or so much thereof as the state board of equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana 1935.

For university millage fund.

B. For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure number forty-two (42) and passed by a vote of the people at the general election held November 5, 1940, three and one half (3½) mills.

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C. For the purpose of paying the principal and interest on the Montana state insane asylum bonds, as provided in referendum measure number forty-three (43) and passed by a vote of the people at the general election held November 5, 1940, one half (½) of a mill.

For principal and interest on state insane asylum bonds.

Section 2. The following tax levies for state purposes are hereby made upon all property in the State of Montana subject to taxation for the year 1944, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

Levies for 1944.

A. For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter ten (10) of the session laws of the twenty-third legislative assembly of 1933, two (2) mills or so much thereof as the state board of equalization may find necessary under the provisions of Section 2122, Revised Codes of Montana 1935.

For general fund.

B. For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure number forty-two (42) and passed by a vote of the people at the general election held November 5, 1940, three and one half (3½) mills.

For university millage fund.

C. For the purpose of paying the principal and interest on the Montana state insane asylum bonds, as provided in referendum measure number forty-three (43) and passed by a vote of the people at the general election held November 5, 1940, one quarter (¼) of a mill.

For principal and interest on State insane asylum bonds.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Severability.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 4, 1943.

CHAPTER 175

An Act to Amend Section 2396.3 of the Revised Codes of Montana, 1935, as Amended by Chapter 102 of the Ses-

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sion Laws of Montana, 1937, as Amended by Chapter 213 of the Session Laws of Montana, 1939, Relating to the Method for the Determination and Use and Distribution of the State Highway Fund for Construction Purposes; Specifically Repealing and Deleting the Sixty Percent Minimum Requirement for Unimproved Mileage; Authorizing the State Highway Commission to Vary Expenditures in Districts to the Extent of Fifteen Percent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2396.3 of the Revised Codes of Montana, 1935, as amended by Chapter 102 of the session laws of Montana, 1937, as amended by Chapter 213 of the session laws of Montana, 1939, be and the same is hereby amended to read as follows:

"Section 2396.3. At the start of the fiscal year beginning July 1, 1937, and ending June 30, 1938, the state highway commission shall compute from its records the percentage of incompleted mileage within each of said districts which each district respectively bears to the total incompleted mileage of said federal highway system within this state at that time, and for that fiscal year the state highway commission shall use the percentages so computed in allotting to each of said districts construction moneys from the state highway fund as defined and provided by Section 2396.2. At the beginning of each fiscal year thereafter the same procedure shall be carried out, and the actual respective percentages of incompleted mileage in each district as so computed and determined at the beginning of each fiscal year shall be used in allotting said moneys to said districts for that fiscal year. As a basis for the determination of the amount of incompleted mileage of said federal highway system in this state for each fiscal year, the state highway commission shall adopt as the criterion the current definition, as prescribed by the federal bureau of public roads, for a fully and adequately completed federal highway in this state having proper engineering standards of alignment, width, grades, drainage, and with an oil or dustless surface conforming to said federal requirements. This criterion shall be considered as a one hundred per cent completed federal highway; and federal highway mileage which is only graded, or which is only graded and surfaced with untreated crushed

Method for allotting construction moneys from state highway fund.

Basis for determination of amount of incompleted mileage of federal highway system.

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gravel or rock, or which is otherwise only partially completed under the application of this criterion, shall be considered as only partially completed on a percentage basis, this to be determined from the relative estimated percentage costs of construction already performed and of additional construction which must be performed to bring said mileage up to the standard of said criterion.

"At the start of the fiscal year beginning July 1, 1939, and ending June 30, 1940, and at the beginning of each fiscal year thereafter the state highway commission shall compute from its records the mileage in each of said districts of totally unimproved mileage and in a like manner the mileage in each district of incompleted mileage. They shall then compute percentages for each district which the totally unimproved mileage and the incompleted mileage each respectively bear to the total of these unimproved and incompleted mileages in each district. The construction funds then allocated to each of said districts in conformity with Section 2396.2 of the Revised Codes of Montana, 1935, shall be allotted by the state highway commission for the purpose of construction of new highways and the completion or rebuilding of existing highways on the ratio which the unimproved mileage in each district bears to the total incompleted and unimproved mileage in each district and which the incompleted mileage bears to the total incompleted and unimproved mileage in each district.

Method of allotting construction moneys for fiscal year ending June 30, 1940 and each year thereafter.

"The state highway commission may vary the expenditures made in any district under the provisions of this act to the extent of fifteen percent (15%) above or below the amount of money allocated to such district in any year."

State highway commission may vary expenditures.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1943.

CHAPTER 176

An Act Providing for the Appointment by the Governor of a Commission to Be Known as the Forest Lands Advisory Commission to Investigate the Subject of State, County and Private Forest Lands and to Make Recom-

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mendations for a Long Range Program for the Conservation and Use of Forest Resources; Defining the Powers and Duties of Said Commission, Regulating Its Membership, Requiring State Offices and Employees and Others to Cooperate With Said Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Forest lands advisory commission created.

Section 1. There is hereby created a commission to be appointed by the governor of Montana to be known as the forest lands advisory commission (hereinafter referred to as the commission) for the purposes herein specified.

Membership.

Said commission shall consist of five members, two chosen from the members of the twenty-eighth legislative assembly, at least one of whom should be a stockman, the other three being selected to represent the large forest land owners, the small forest land owners and the forest product manufacturers. The secretary of the commission shall be selected from the state forestry department.

Duty of commission.

Section 2. Said commission shall make a comprehensive study of the subject of our state, county and private forest lands including in its study and determinations the subjects of timber resources, rate of exhaustion, possibilities for sustained production, taxation with respect to second growth timber, forest fire protection, logging practices, water shed protection and grazing; and the commission shall make its recommendations concerning same to the governor and members of the next regular legislative assembly not less than thirty (30) days prior to the meeting of the next regular legislative assembly, and these recommendations shall provide a long term policy and plan designed to promote the proper conservation, protection, efficient and economic use of the forest land products.

Information to be supplied by state and county officers and faculty members of university and extension service.

Section 3. The commission shall have authority to call upon any officer of the State of Montana, or of any county, or any member of the faculty of the University of Montana or the extension service to furnish the commission with any facts, particularly within the knowledge or training of such officer or faculty member, pertaining to the matters required to be studied by said commission, and it shall be the duty of all such officers and faculty

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members when so requested, to furnish such information to the commission.

Section 4. This shall take effect and be in full force upon its passage and approval. Effective date.

Approved March 4, 1943.

CHAPTER 177

An Act to Amend Section 562 of the Revised Codes of Montana, 1935, as Amended by Chapter 147 of the Laws of the Twenty-fifth Legislative Assembly of 1937, as Amended by Chapter 144 of the Laws of the Twenty-seventh Legislative Assembly of 1941; Providing for the Cancellation of Registry for Failure to Vote and the Manner of Re-registration Thereafter; Providing the Registry Cards of Persons Serving in the Land and Naval Forces of the United States, Including the Members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Women's Army Auxiliary Corps, and Such Other Branches of the Land and Naval Forces as May Be Organized Hereafter by the Government of the United States, and Including Persons Engaged in the Actual Service of the American National Red Cross Association, or the United Service Organizations or Any Similar Organizations, Auxiliary to the Land and Naval Forces, Recognized by the Government of the United States, Who Fail to Vote During Such Service Shall Not Be Cancelled Under Certain Conditions; and Further Providing the Registry Cards of Such Persons Serving in the Land and Naval Forces of the United States Who Failed to Vote at the General Election held in November, 1942, by Reason of Such Service Shall Be Removed From the Cancelled File and Restored to the Official Register Under Certain Conditions. Title of act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 562 of the Revised Codes of Montana, 1935, as amended by Chapter 147 of the laws of the twenty-fifth legislative assembly of 1937, as amended by Chapter 144 of the laws of the twenty-seventh legisla-

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tive Assembly of 1941, be, and the same is hereby amended to read as follows:

"Section 562. Immediately after every general election, the county clerk of each county shall compare the list of electors who have voted at such election in each precinct, as shown by the official poll books, with the official register of said precinct, and he shall remove from the official register herein provided for the registry cards of all electors who have failed to vote at such election, and shall mark each of said cards with the word 'cancelled', and shall place such cancelled cards for the entire county in alphabetical order in a separate drawer to be known as the 'cancelled file'; but any elector whose card is thus removed from the official register may re-register in the same manner as his original registration was made, and the registration card of any elector who thus re-registers shall be filed by the county clerk in the official register in the same manner as original registration cards are filed. The county clerk shall, at the same time, cancel, by drawing a red line through the entry thereof, the name of all such electors who have failed to vote at such election.

Removal of cards from official register.

"Cancelled file".

Re-registration.

"In the case of any elector who, by reason of his or her active service in the land or naval forces of the United States, including the members of the army nurse corps, the navy nurse corps, the women's navy reserve, the women's army auxiliary corps, and such other branches of the land and naval forces as may be organized hereafter by the government of the United States, shall fail to vote, his or her registry card shall not be cancelled, provided that, prior to close of registration before any election to be held in the State of Montana, at least two (2) registered electors of the county in which such elector serving in the land or naval forces of the United States, including those persons actually engaged in the service of the American national red cross association, or the united service organizations or any similar organizations auxiliary to the land and naval forces, recognized by the government of the United States was registered at the time of such election furnish the county clerk with an affidavit or affidavits, setting forth the affiants are personally acquainted with such elector and are informed and have reason to believe such elector was engaged in active service in the land or naval forces of the United States, including members of the army nurse corps, the navy nurse corps, the women's navy

Registry cards of electors in land or naval forces and related services of the United States not to be cancelled, when.

Contents of required affidavits.

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reserve, the women's army auxiliary corps, and such other branches of the land and naval forces as may be organized hereafter by the government of the United States also including persons engaged in the actual service of the American national red cross association, or the united service organizations or any similar organizations auxiliary to the land and naval forces, recognized by the government of the United States on the day of such election and his residence is still within the county where he is registered; provided further, however, this shall not apply to those registration cards which have been cancelled for any of the causes designated under Section 570 of the Revised Codes of Montana, 1935."

Exception as to certain registration cards.

Section 2. It shall be the duty of the county clerk of each county, on or before the close of registration before any election to be held in the State of Montana following the general election held in November of 1942, to withdraw from the 'cancelled file' the registration card of any person serving in the land or naval forces of the United States, including the members of the army nurse corps, the navy nurse corps, the women's navy reserve, and the women's army auxiliary corps, *and such other branches of the land and naval forces as may be organized hereafter by the government of the United States including persons engaged in the actual service of the American national red cross association, or the united service organizations or any similar organizations auxiliary to the land and naval forces recognized by the government of the United States* whose registry card has been removed from the official register since the date of the general election held in November of 1942, and return such card to the official register and enter the name of such elector upon the proper registration rolls, provided that—on or before the close of registration before any election to be held in the State of Montana following the general election held in November of 1942—the county clerk is furnished an affidavit or affidavits by at least two (2) registered electors of the county in which such elector serving in the land or naval forces of the United States, *including persons of the army nurse corps, the navy nurse corps, the women's navy reserve, the women's army auxiliary corps, and such other branches of the land and naval forces as may be organized hereafter by the government of the United States including persons engaged in the actual service of the American*

Withdrawal of cards of electors in military service from 'cancelled file' and return of such cards to the official register.

Affidavits required.

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national red cross association, or the united service organizations or any similar organizations auxiliary to the land and naval forces recognized by the government of the United States was registered at the time of such election, setting forth the affiants are personally acquainted with such elector and are informed and have reason to believe such elector was engaged in active service in the land or naval forces of the United States, *including persons of the army nurse corps, the navy nurse corps, the women's navy reserve, the women's army auxiliary corps, and such other branches of the land and naval forces as may be organized hereafter by the government of the United States including persons engaged in the actual service of the American national red cross association, or the united service organizations or any similar organizations auxiliary to the land and naval forces recognized by the government of the United States* on the day of such election and his residence is still within the county where he is registered; provided further, however, this shall not apply to those registration cards which have been cancelled for any of the causes designated under Section 570 of the Revised Codes of Montana, 1935.

Exception as to certain registration cards.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1943.

CHAPTER 178

An Act to Amend Section XI of Part III of Chapter 82 of the Session Laws of the Twenty-fifth Legislative Assembly of Montana of 1937, Relating to Amount of Property Exempt From Claim and to Recovery From the Estate of a Decedent and to Claim for Old Age Assistance, and That No Claim Shall Be Enforced Against Real Estate in Certain Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section XI of Part III of Chapter 82 of the session laws of the twenty-fifth legislative assembly

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of Montana of 1937, be, and the same is hereby amended to read as follows:

"Section XI of Part III. **Recovery From the Estate** *of a Decedent—Claim for Assistance Paid. Upon the death of any recipient of old age assistance his estate, to the extent of five hundred dollars ($500.00), shall be exempt from claim for old age assistance paid under this act. If, upon the death of any recipient of old age assistance he shall leave an estate of five hundred dollars ($500.00) or less, according to the inventory and appraisement filed in the matter of the estate of such person, no claim shall be allowed against the estate of such person for assistance paid under this act. If such person shall leave estate in excess of five hundred dollars ($500.00), according to the inventory and appraisement filed in the matter of the estate of such person, the state department of public welfare shall execute and present a claim against the estate of such person within the time specified in the published notice to creditors in the estate matter for the total amount of assistance paid under this act.* No claim shall be enforced against any real estate of a recipient while it is occupied by the surviving spouse, or dependent, *as a home.*

Exemption from claim for old age assistance of estate of recipient of old age assistance.

Claim, if estate exceeds $500.

Claim not enforceable against home.

"If the federal law shall so require, the federal government shall be entitled to a share of any amounts collected from recipients or from their estates equal to not more than one-half (½) of the amount collected and the amount due the United States shall be paid promptly by the state to the United States government. The remaining one-half (½) of the amount collected shall be distributed to the state and county in proportion to the total amount of such assistance paid by each."

Share of federal government.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1943.

CHAPTER 179

An Act to Amend Section 1 of Chapter 105 of the Session Laws of the Twenty-seventh Legislative Assembly of Montana, 1941, Relating to the Making of Parties to

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Actions or Proceedings Affecting Real, Personal or Mixed Property by the Designations of 'Unknown Owners' or 'Unknown Heirs' or 'Unknown Devisees' or by Any and All of Such Designations and for the Manner of Making Such Persons Parties, and for the Effect of Judgments and Decrees Rendered Against Such Parties in Such Actions or Proceedings, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 105 of the session laws of the twenty-seventh legislative assembly of Montana, 1941, be, and the same is hereby amended to read as follows:

"Section 1. In all actions or proceedings to obtain title or possession, or for partition, or for sale, or for foreclosure of any incumbrance, or enforcement of any trust, or specific performance of any contract, or to quiet title, or for any other disposition of any property, real, personal, or mixed, situate within the State of Montana including choses in action either situate within or due or claimed to be due from persons, firms, or corporations resident within the State of Montana, persons whose names are unknown to plaintiff may be made parties defendant either on the filing of the complaint, cross-complaint or complaint in intervention, as the case may be, or at any time thereafter by amendment thereof, by the name and description of unknown owners, or unknown heirs, or unknown devisees of any deceased person, or by all of such designations. *When persons are made parties defendant by the designation of unknown owners it shall not be necessary to add to such designation in the title of the action a description of the property involved, whether real, personal, or mixed, or choses in action as aforesaid, of which such persons are claimed or supposed to be unknown owners or claimants or parties in interest, but a description of the property involved, real, personal, or mixed, including choses in action as aforesaid, shall be included in the body of the summons for publication in the action.* When persons are made defendant by the style and description of unknown heirs, there shall be added to such designation of them the name of the deceased person of whom they shall be claimed or supposed to be the heirs. When persons are made defendant by the style and descrip-

In certain actions parties may be made defendants by designation as unknown. owners, heirs, devisees.

Inclusion of description of property in title of the action not necessary.

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tion of unknown devisees, there shall be added to such designation the name of the deceased person of whom they shall be claimed or supposed to be devisees."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1943.

CHAPTER 180

An Act to Permit Any Party to an Action or Proceeding, to Call the Adverse Party, His Employee or Agent for Examination, and Providing That the Party Calling Such Person or Persons Shall Not Be Bound by the Testimony of Such Person or Persons, and Enlarging the Right of Cross-examination.

Be it enacted by the Legislative Assembly of the State of Montana:

Party calling adverse party as witness not bound by testimony of such party.

Cross examination.

Section 1. In any suit or proceeding in any court of law or equity in this state, either party, if he shall call as a witness in his behalf, the opposite party, employee or agent of said opposite party, or any person who at the time of the happening of the transaction out of which such suit or proceeding grew, was an employee or agent of the opposite party, shall have the right to examine and cross-examine such witness the same as if he were called by the opposite party; and the answers of such witness shall not interfere with the right of such party to introduce evidence upon any issue involved in such suit or proceeding, and the party so calling and examining such witness shall not be bound to accept such answers as true.

Repealing clause.

Section 2. That all act or parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1943.

CHAPTER 181

An Act to Defer the Collection From Any Person in Military Service of Any Tax From the Income of Such Person, and Requiring That No Interest on Any Amount

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of Tax, Collection of Which Is Deferred, and No Penalty, Shall Accrue for Such Period of Deferment, and Preventing the Running of Any Statute of Limitation Against the Collection of Such Tax, and Providing for Further Relief Upon Application to a District Court Upon the Terms and Conditions Herein Set Forth.

Be it enacted by the Legislative Assembly of the State of Montana:

Deferment of collection of tax upon income of persons in military service.

Section 1. The collection from any person in the military service, as defined by the soldiers' and sailors' civil relief act of 1940, effective October 17, 1940, as amended October 6, 1942, of any tax prescribed by the State of Montana on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six (6) months after the termination of his period of military service, if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this act, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the payment of such tax by any lawful means shall be suspended for the period of military service of any individual, the collection of such tax is deferred under this section, and for an additional period of one (1) year, beginning with the day following the period of military service.

Statute of limitations suspended.

Section 2. Any such person may, during his period of military service, or within six (6) months thereafter, apply to a court for relief in respect of any tax obligation or any tax liability incurred by such person prior to his period of military service, or in respect of any such obligation or liability, whether falling due prior to or during his period of military service. Any district court of the State of Montana, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability, or to pay such tax or assessment has not been materially affected by reason of his military service, may grant a stay of the enforcement thereof during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application, if made after such service, for a period of time equal to the period

District court may grant a stay of enforcement.

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of military service of the applicant, or any part of such period, subject to payment of the balance of principal and accumulated interest due and unpaid, at the date of termination of such period of military service or from the date of application as the case may be, in equal periodic installments during such extended period at such rate of interest as may be prescribed for such tax obligation or tax liability or assessment, if paid when due, and subject to such other terms as may be just.

When any court has granted a stay, as provided in this section, no fine or penalty shall accrue during the period the terms and conditions of such stay are complied with by reason of the failure to comply with the terms or conditions of the tax obligation, tax liability or assessment in respect of which such stay was granted.

No fines and penalties accrue during period of stay.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1943.

CHAPTER 182

An Act Relating to the Montana State School for the Deaf and Blind; Designating the Purposes and Objects of Such School; Providing That Such School Shall Be Under the General Supervision, Direction, and Control of the State Board of Education and Authorizing Such Board to Adopt Rules and Regulations With Regard Thereto; Providing for the Making of Applications for, and the Admission of Children to Such School; Imposing Certain Duties Upon Parents, Guardians and Other Persons Having the Custody or Control of Children for Admission to Such School and Imposing Penalties for Violations of Such Duties; Imposing Certain Duties Upon School District Clerks and County Superintendents of Schools in Connection With the School Census; Creating a Fund to Be Designated as the School for the Deaf and Blind Fund, and Relating to Expenditures Therefrom; Relating to Lands and Other Property Belonging to or Held by the State of Montana for the

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Used and Benefit of Such School; and Repealing Sections 1456 to 1462, Inclusive, and Sections 1465 to 1473, Inclusive, Revised Codes of Montana, 1935, and Sections 2 and 3 of Chapter 43, Session Laws 1937, and Each and All Thereof, and All Other Acts and Parts of Acts in Conflict With This Act or Any of the Provisions Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the school for the deaf and blind, formerly located at Boulder in connection with the Montana state training school, but heretofore transferred to the city of Great Falls, shall be known and designated as the Montana state school for the deaf and blind, and shall be conducted as a separate and independent unit and institution of the State of Montana, under the general supervision, direction, and control of the state board of education, with a local executive board to be appointed in the manner, and to have the powers, authority and duties granted to and required of such board, by the provisions of Section 842 to 849, inclusive, Revised Codes of Montana, 1935; provided that the transfer of such school, or any change in the name thereof, or in the objects or purposes thereof, shall not be deemed or construed to impair or work any forfeiture or alteration of any rights, grants or property heretofore made to or acquired by such school or by the state for the use and benefit of such school.

Montana state school for the deaf and blind made an independent institution of the state.

Rights of institution saved.

Section 2. The Montana state school for the deaf and blind shall be a residential and boarding school for children and adolescents who are deaf or blind, or whose hearing or sight is so defective that they cannot be successfully taught, and for such reason are unable to receive a sufficient or proper education in the public schools of the state. The object and purpose of such school shall be to furnish and provide, by the use of specialized methods and systems, an ordinary public school education and to teach such trades and vocations as will enable children attending such school to become independent and self-sustaining citizens. Increased and additional facilities shall be provided, from time to time, for the more thorough and successful training of those who show a special aptitude for becoming proficient at such trades or vocations. In the interest of economy and increased opportunities for vocational education and training, and in order that pupils may be practically taught such trades and vocations, so

Objects and purposes of said institution.

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much of all carpentering, printing, painting, baking, sewing, and other or similar work necessary to be done for and in and about the school, as the superintendent of the school may deem practical, shall be done by such pupils under competent teachers and foremen, permanently or temporarily employed for such purpose, and this requirement shall apply to both male and female pupils.

Rules and regulations by state board of education.

Section 3. The state board of education shall adopt and prescribe such rules and regulations as the board may deem necessary and proper for the maintenance and government of the school, the admission of children thereto in conformity with the provisions of this act, and the qualifications and compensation of the superintendent and teaching staff of the school; provided that said superintendent must have a ready and working knowledge of the sign language and must have taught three (3) or more years in a school for the deaf.

Eligibility of children for admittance.

Section 4. On proper application being made therefor, deaf and blind children who have reached the age of five (5) and who are not more than eighteen (18) years of age residing within the State of Montana, and nonresident children, between such ages, who are not mentally deficient, dangerously diseased in body, or of confirmed immorality, or incapacitated for useful instruction by reason of physical disability, may be admitted to such school.

Duty of parent or guardian of child to make application for admission of child.

Section 5. Every parent, guardian, or other person having the custody or control of any child between the ages of five (5) and eighteen (18) years, whose hearing or sight is so defective that such child cannot be properly educated in the public schools of the state, shall make application to the superintendent of said school for admission to such school for at least nine (9) months during each school year for a period of ten (10) years, unless such child is being taught in a private school or in a similar institution in another state which affords such child an education to the same extent as such child can receive in the Montana state school for the deaf and blind; or unless such child be found, for any reason, to be ineligible to admission to such school. If such child is being taught in a private school, or in a similar institution in another state, such attendance must be for at least nine (9) months in each year for ten (10) years, unless such child shall arrive at the age of

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two (21) years, or shall have become self-sustaining before the expiration of such ten (10) year period.

Penalty of parent or guardian for failure to comply with act.

The failure of any parent, guardian or other person having the custody or control of any blind or deaf child to comply with the provisions of this section shall be deemed a misdemeanor and punishable by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) for the first offense, and not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each subsequent offense. Upon conviction of any parent, guardian or person having custody or control of any such child of a failure to comply with the provisions of this section, the court in which such conviction is had shall enter in its docket an order directing such parent, guardian or other person to comply with the provisions of this section within ten (10) days thereafter, and shall deliver a copy of such order to such parent, guardian or other person.

Duration of attendance at such school.

Section 6. Every child admitted to such school shall be entitled to attend such school for a period of ten (10) years, or until reaching the age of twenty-one (21) years, if such age be reached before the expiration of such ten (10) year period. Any child who has attended the school for a period of ten (10) years, but has not yet reached the age of twenty-one (21) years, with the consent and approval of the superintendent of the school, may petition the state board of education to remain in such school for an additional period of two (2) years, or until arriving at the age of twenty-one (21) years if such child will arrive at such age before the expiration of such additional two (2) year period. The board shall consider the petition upon the scholastic record and the record as to obedience and morality of such child while in such school and if it finds it proper to do so may grant the same; provided, that nothing in this section shall be construed so as to prevent the suspension or expulsion of any child at any time for insubordination or other cause deemed good and sufficient by the board of education and superintendent.

Admission of non-resident children, and advance payment of cost.

Section 7. Deaf and blind children, who are not residents of the State of Montana, upon application being made therefor, may be admitted to the school, subject to all eligibility requirements prescribed for children who are residents of the state; provided that for each such non-

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resident child there shall be paid to the school in advance a sum of money the amount of which shall be determined by a careful estimate of the whole per capita cost of maintaining the school during the year immediately preceding the date of the application; and provided further, that no non-resident child shall be admitted to the school except when the full capacity thereof is not required for children who are residents of the state. Indian children who are wards of the United States shall be eligible to, and shall be admitted to such school on the same terms as non-residents.

Indian children.

Section 8. Each school district in the state, when taking the school census required by Section 1051, Revised Codes of Montana, 1935, shall use reasonable diligence to ascertain the number of blind and deaf children residing in his district, between the ages of five (5) and eighteen (18) years, with the name and post office address of each. And every such clerk shall include in his report of such census to the county superintendent of schools the names and addresses of all such children in his district, as shown by such census, together with the names and post office addresses of the parents, guardians or other persons having the custody or control of any thereof. The county superintendent of schools, not later than the thirtieth day of October in each year, shall make a list in duplicate of all such children, as shown by such census with the names and post office addresses of the parents, guardians or other persons having the custody and control of any thereof, and shall transmit one (1) copy thereof to the superintendent of the Montana state school for the deaf and blind.

Data relating to deaf and blind children to be included in census of school districts.

List to be transmitted to superintendent of state school for deaf and blind.

Section 9. The regular term of school shall begin on the second Wednesday of September and close on the second Wednesday of June following; provided that the superintendent of such school, with the consent and approval of the state board of education may provide for the opening of the school on another day and for the closing of the same on another day, provided that the term fixed shall be for a period of nine (9) months.

Time of regular term of such school.

Section 10. All persons employed in the school, while so employed, shall be exempt from all jury service and from working on roads and highways, but not from paying per capita road or poor taxes or property taxes; and the

Exemptions in favor of employees of school.

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certificate of the superintendent of the school, under the official seal of the school, shall be sufficient evidence of such employment.

Property vested in such school.

Section 11. All lands heretofore granted by the government of the United States to the State of Montana for the use and benefit of the deaf and dumb are hereby set apart and declared to be for the use and benefit in perpetuity of the Montana state school for the deaf and blind, and all funds arising from the sale or leasing of said lands, or any part or portion thereof, shall be applied to the proper use and benefit thereof, and all donations, gifts, devises or grants which have been heretofore or may hereafter be made by any person or corporation to said school shall vest in the State of Montana for the use and benefit thereof.

Duty of state board of education as to property of school.

Section 12. The state board of education shall have the power and it shall be its duty to receive, hold, manage, use, and dispose of any and all real and personal property made over to such board, or to the State of Montana, by purchase, gift, devise, bequest, or otherwise acquired, and the proceeds, interest and income thereof, for the use and benefit of said school.

"Deaf and blind school fund".

Section 13. The fund heretofore designated as the "deaf and dumb fund" shall hereafter be designated as the "deaf and blind school fund", and all moneys in the treasury standing to the credit of such deaf and dumb fund at the time this act takes effect, shall be transferred to such deaf and blind school fund, and all moneys thereafter paid into the state treasury for the use or benefit of the Montana state school for the deaf and blind shall be deposited by the state treasurer to the credit of said deaf and blind school fund.

Moneys in said fund, may be expended for what purposes.

Section 14. No moneys belonging to the deaf and blind school fund shall be expended for any purpose other than for the Montana state school for the deaf and blind, and any moneys belonging to any fund or funds which may be hereafter created for such school shall be expended for the express purpose designated in the act or acts creating such fund or funds, and for no other purpose.

Repealing clause.

Section 15. Sections 1456 to 1462, inclusive, and Sections 1465 to 1473, inclusive, Revised Codes of Montana, 1935, and Sections 2 and 3 of Chapter 43, Session Laws

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1937, and each and all thereof, and all other acts and parts of acts in conflict with the provisions of this act or any of the provisions thereof, are hereby repealed.

Approved March 5, 1943.

CHAPTER 183

An Act Relating to the Montana State Training School, Heretofore Established and Located at Boulder, in Jefferson County, State of Montana; Designating the Name of Such School and Defining Its Purpose and Object; Prescribing the Power and the Duties of the State Board of Education With Regard to Such School; Describing the Persons, Adult and Minors, Who May Be Admitted to Such School, Setting Forth the Procedure for Making Applications for and Admission to Such School and Prescribing the Powers and Duties of County Boards of Public Welfare and District Courts in Connection Therewith; Providing for the Payment of the Cost and Expense of Hearings, Transportation to, and Care and Maintenance of Persons Admitted to Such School; Providing for the Transfer of Persons in Such School to the Montana State Hospital, and When and for What Purposes Such Transfers May Be Made, and the Procedure Therefor; Prescribing the Manner in Which Persons in Said School May Be Removed Therefrom; and Repealing Sections 1474 to 1483, Inclusive, Revised Codes of Montana, 1935, and Acts Amendatory Thereof, Section 4 of Chapter 43, Session Laws of 1937, and All Other Acts and Parts of Acts in Conflict With the Provisions, or Any Thereof, of This Act. Title of act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the institution heretofore established at Boulder, in Jefferson county, State of Montana, as a training school for the education, training and detention of sub-normal minors and adults and epileptics, shall be known and designated as the "Montana state training school", and shall be under the general direction, supervision and control of the state board of education, with a local executive board appointed in the manner, and having the powers and duties granted to and imposed upon such "Montana state training school".

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local executive board by the provisions of Sections 842 to 849, inclusive, Revised Codes of Montana, 1935.

Purposes and objects of.

Section 2. The purpose and object of such school shall be the mental, moral and physical education and training of sub-normal persons whose defects prevent them from receiving proper instruction and training in the public schools, or who are so mentally deficient that they are incapable of managing themselves or their affairs independently with ordinary prudence or of being taught to do so, or who require control and education for their own welfare and the welfare of others, and minors whose intelligence will not develop without such care; epileptics and sub-normal adults whose defects prevent them from taking care of themselves or their property, or who, from social standards, are a menace to society.

Power and duties of state board of education.

Section 3. The state board of education shall have the power to prescribe and adopt such rules and regulations, not inconsistent with the provisions of this act, as may be deemed necessary, with regard to the admission of both minors and adults to the school; the courses of study and training to be given any or all persons in such school, and generally for the proper maintenance and operation of such school. It shall be the duty of said board to appoint some suitable and qualified person as superintendent thereof and to provide the suitable staff and other employees therefor, and to fix the salary or compensation of the superintendent, members of the staff and other employees, subject to the approval of the state board of examiners.

Power and duties of superintendent.

Section 4. The superintendent of the school, under the direction of the state board of education, shall provide for the maintenance of a school department for the instruction and training of those inmates who are capable of being benefitted by school instruction, and a custodial department for the care and custody of those who are not capable of being benefitted by such school instruction, and may provide for giving any or all of the inmates of the school such instruction and training in unskilled labor, manual training, arts, crafts and trades as may be deemed suitable for such persons by said state board of education.

Eligibility for admission.

Section 5. There shall be admitted to the training school, in accordance with the provisions of this act, and such rules and regulations as may be adopted and provided

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by the state board of education with regard thereto, the following persons, if they have been residents of this state for at least one (1) year immediately preceding application for admission: Sub-normal persons whose defects prevent them from receiving proper instruction and training in the public schools, or who are so mentally deficient that they are incapable of managing themselves or their affairs independently with ordinary prudence or of being taught to do so, or who require control and education for their own welfare and the welfare of others, and minors whose intelligence will not develop without such care; epileptics and sub-normal persons whose defects prevent them from taking care of themselves or their property, or who, from social standards, are a menace to society. Provided, however, that no person who is insane, or who requires hospitalization, or who is dangerously diseased in body, or who is suffering from any infectious or contagious disease, or of confirmed immorality, shall be admitted to such school.

Exclusion of certain persons.

Section 6. Applications for admission to the training school shall be made on forms prescribed by the superintendent thereof, and each application for admission must give the full name of the person for whom made, residence and length of time a resident of this state, age, sex, race, general mental, moral and physical condition and family history, names of parents, if any, and residences, if known, or guardian, if any, and residence, the names and residences of the nearest relatives, other than parents, if any, and known, the name of the person making the application and relationship, if any, to the person for whom made, and such other additional information as the superintendent of such school may deem necessary and proper, and must be signed by the applicant and verified under oath. Application for admission of any person to such school may be made by any parent, guardian or relative or by any person legally entitled to the custody and control of such person; by a county health officer or county physician or county attorney or by any member of the staff of the state public welfare department or of a county public welfare board, or by any reputable citizen.

Applications for admission, contents of.

Section 7. If such application is made by the parents, or by one thereof, if the other be dead or absent from the state, or if not made by, but there is endorsed on such application the approval and consent of such parents or

Same—the filing of.

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parent to the person named in such application being placed in such school, and which approval and consent is signed by such parents or parent, such application shall be made to and filed with the county public welfare board of the county in which such person resides. If such application is not made by such parents or parent, and such approval and consent has not been endorsed on the application and signed as herein provided, then such application must be made to and filed in the district court of the county in which such person resides. Provided, that if the custody and control of any such person has been given, by a court of competent jurisdiction, to one parent, the signing of such approval and consent herein provided for by such parent shall be sufficient.

Proviso.

Section 8. Whenever an application for admission of any person to such training school has been made, and filed with county board of public welfare, or has been filed in the office of the clerk of any district court and the clerk of such court has notified the county board of public welfare of such county of the filing thereof, as hereinafter provided, some member of the staff of such county board of public welfare must, without delay, make an investigation to ascertain the financial condition of the person named in such application, the property and value thereof, if any owned by him, the income, if any therefrom, the names and residences of parents or other relatives, if any, legally liable for his support and maintenance and their financial condition and ability to pay for his transportation and for his care, maintenance, clothing, and other necessary personal expenses at such school, and shall make a written report thereof in duplicate to said county board of public welfare, and the county clerk of such county shall, whenever any such application is received by such board, notify the county physician thereof, giving the name and address of the person named in such application, and the names and residences of the parents, guardian and relatives, if any named therein, and such county physician shall, without unnecessary delay, make an examination of him for the purpose of ascertaining his mental condition, and whether or not he is a proper person to be placed in such school, and shall make and file with such county board of public welfare a written report of such examination.

Investigation by county welfare board.

Section 9. When an application has been filed with

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a county board of public welfare, and the reports of the member of the staff investigating such application, and the report of the county physician of his examination of the person named therein, have been filed with such board, if such board finds and determines that he is a proper person to be placed in such training school, such board shall ascertain from the superintendent thereof if there is room for his accommodation in such school, and if there is, the board may then make an order approving such application, and authorizing the transportation to and the placing of such person in such school, and if it appears to such board that the person named in said application has means, money or property out of which the cost of his transportation, care, maintenance, clothing and other necessary personal expenses in such school, or some part thereof could be paid, or that he has parents, or other relatives legally liable for his support and maintenance who are financially able to pay for such transportation, care, maintenance, clothing and other necessary personal expenses while in such school, or a part thereof, the board shall make an order requiring the person or persons having possession of any of said moneys, means or property, or such parents or other relatives, to appear before such board, at a time and place fixed in said order, to testify before such board regarding any such money, means or property of such person or the financial ability of such parents or other relatives to pay for such transportation, care, maintenance, clothing and other necessary expenses. After hearing such evidence and examining the report of the investigator filed with such board, the board shall fix and determine the amount, if any, to be paid for such transportation, maintenance, care, clothing and other necessary expenses while in such school out of any money, means or property of such person, or by his parents or other relatives who are legally liable for his support and maintenance; provided, however, that the amount fixed in such order shall not exceed fifty cents (50c) per day for such maintenance, care, clothing and other necessary expenses at such school. The county clerk shall make certified copies of the application filed with such board, and of the order of such board approving such application and authorizing the placing of such person in such school and fixing the amount to be paid, if any, by such parents, guardian, or relatives, for his maintenance and support, which shall be given the officer or other person taking

Duty of such board as to approved applications.

Board required to determine amount to be paid by person admitted or by his parents or persons liable.

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him to such school, and by him delivered to the superintendent of such school and the same shall be the authority of such superintendent for receiving and keeping him in such school.

Hearing by judge of district court, in certain cases.

Section 10. If the application is filed in the office of the clerk of the district court such clerk shall immediately notify the county board of public welfare of such filing, with the name and residence of the person for whom such application is made, the name and residence of the person making the application and the names and residences of all parents and other relatives given therein, if any; and shall also call such application to the attention of the judge of such court. The judge shall make an order fixing a time and place for hearing of such application in open court, and the clerk shall mail copies thereof to the person making the application and to all parents and other relatives named in such application, if any.

Same—procedure.

Section 11. Upon the hearing on such application the court may name two (2) physicians, one (1) of whom may be the county physician, who shall, with the assistance of the county attorney and any attorney appearing at such hearing for the purpose of representing any parents, or other relatives, or guardian of such person, examine such person and submit to the court in writing, the facts as found by them and their recommendations. If the court concludes therefrom that such person is a proper person to be placed in said training school, and it further appears to the court from information obtained from the superintendent of such school that there is room for his accommodation in such school, the court shall make an order approving such application and authorizing the placing of such person in such school. The statement of facts and conclusions of said physicians and any order made by the court approving such application shall be filed in the office of the clerk of the court. The clerk of the court shall make certified copies of such application, the statement of facts and the order of the court and deliver the same to the officer or person taking such person to said training school, who shall deliver such certified copies to the superintendent of such school and the same shall be his authority for receiving and keeping such person in such school.

Approval of application by the court.

Section 12. If it appears to the court on such hearing that the person named in such application has money,

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means or property out of which the cost of transportation and care, maintenance, clothing and other necessary personal expenses of such person in such school, or some part thereof could be paid, or has parents or other relatives legally liable for his support and maintenance and financially able to pay the same, or a part thereof, a citation may be issued by the court to the person or persons having possession of such moneys, means or property, or any part thereof, and to said parents or other relatives, requiring them to appear and testify concerning such property, or their financial ability to pay for such transportation, care, maintenance, clothing and other expenses at such school, and on such hearing the court may make such order or orders as may be deemed proper for the payment thereof, or some part thereof, out of the moneys, means or property of such person or by such parents or other relatives, which order or orders shall be filed in the office of the clerk of the court, and such clerk shall make a certified copy thereof and deliver the same to the county board of public welfare; provided, however, that the amount fixed in such order shall not exceed fifty cents (50c) per day for such maintenance, care, clothing and such other expenses at such school.

Citation to persons liable to appear and testify as to financial ability to pay expenses.

Section 13. Before any county board of public welfare, or any court, or judge thereof, shall make any order approving any application and authorizing the person named therein to be placed in such school, said board, or judge, shall first ascertain by telephone or otherwise, from the superintendent of said school as to whether or not there is room to accommodate such person in said school; provided that if there is not room, applications for admission shall be granted in the order of their submission.

Approval of applications limited by room available.

Section 14. Whenever any person has been placed in such school under any order or commitment of a district court, or order of a county board of public welfare, and has been in such school for a period of not less than sixty (60) days, and the superintendent of such school believes from his observation of him and from his actions and conduct that he is disordered in his mind to such an extent that he is not a proper person to remain in such school but should be placed in the Montana state hospital, such superintendent shall notify in writing the judge of the district court authorizing his admission to such school, if admitted under an order or commitment of the district court, or the county board of public welfare if admitted under an

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Transfer of certain persons to state hospital.

order of such board, of such fact, and request that an order be made permitting him to be transferred to the state hospital for a period of at least six (6) weeks for examination, tests and observation for the purpose of ascertaining and determining his mental condition. If the order requested by said superintendent be made by the district court or by the county board of public welfare, duplicate copies of such order shall be made and certified by the clerk of the court if made by the court, or by the county clerk, if made by the county board of public welfare, and both of such copies shall be transmitted to such superintendent. Upon receipt of such certified copies of order such superintendent may transfer such person to the Montana state hospital, delivering one (1) of such copies of order to the superintendent of such hospital and retaining the other copy thereof in the files of the training school. If prior to the expiration of the period fixed in such order the superintendent and physicians of such hospital shall conclude and determine from their tests, examination and observation of such person, that he is so far disordered in his mind that he should be kept and detained in such hospital, the superintendent of such hospital shall make out a certificate, in triplicate, so reciting, and shall state in addition, in as much detail as necessary, the apparent cause or class of the disorder, probable duration and condition of the disease and the probable result of any treatment which may be given to him in such hospital. Each of such copies shall be signed by the superintendent and by each physician who has taken any part in the examinations, tests and observations of such person.

Disposition of copies.

One (1) of such copies shall be retained in the files of the hospital and shall be the authority of the superintendent for keeping and detaining such person therein. One (1) copy shall be transmitted to the superintendent of the training school to be placed in the files of such school. One (1) copy shall be transmitted to the clerk of the district court of the county from which such person was sent to the training school, who shall file and record the same in the manner required by Section 1438, Revised Codes, 1935, as amended by Chapter 117, Session Laws, 1939, and such certificate shall take the place and be in lieu of and equivalent to, in every respect, the warrant, affidavit, physicians' certificate, and commitment provided for and required by Sections 1431, 1432, 1436 and 1438 of said Revised Codes, 1935, as so amended. If, before the ex-

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piration of such period, the superintendent and physicians of such hospital shall conclude and determine from their tests, examinations and observations of such person that he is not disordered in his mind to such an extent as to require that he should be kept and retained in such hospital, but that he is a proper person to be kept and detained at such training school, a certificate, in triplicate, shall be made and signed by the superintendent of such hospital, so stating, one (1) copy thereof being retained in the files of such hospital, one (1) copy being transmitted to the clerk of the district court which made such order of transfer, or to the county board of public welfare of such county, as the case may be, and the remaining copy shall be delivered to the superintendent of the training school at the same time such person is returned to such school. The costs of transportation and all other expense and cost incurred in connection with the transfer of such person to the Montana state hospital, and his return to the Montana state training school, if returned thereto, shall be paid out of the moneys appropriated for such training school.

Cost of transfer.

Section 15. The costs of hearing and transporation of persons admitted to the school shall be paid by the county from which admitted out of its poor fund. If any order has been made by a county board of public welfare, or district court, as provided in Sections 9 and 12 of this act, requiring the parents, guardian, or any relative of any person to pay the whole or a part of the cost of his care, maintenance, clothing and other necessary personal needs, the superintendent of the school shall quarter-annually, at the end of each quarter, prepare and transmit to the board of county commissioners of such county an itemized account showing the name of such person, the number of days in the quarter for which payment is to be made, clothing and other necessary expenses and the amount thereof, and said board of county commissioners shall allow and pay it by warrant drawn against its poor fund payable to said training school, and the county, in turn, shall collect in its own name, from the parents, guardian or relatives, named and designated in such order. If any such order shall be made to the effect that any such person has no property or estate out of which payment can be made, and has no parents, guardian or relatives financially able to pay any part of such cost of care, main-

Costs of hearing and transportation of persons admitted to school.

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tenance, clothing and other necessary needs, the county from which he was admitted shall be liable for such clothing and other necessary personal expenses, and the superintendent of the school shall quarter-annually, at the end of each quarter, prepare and transmit to the board of county commissioners of such county an itemized statement showing the amount to be paid therefor for such quarter, and said board of county commissioners shall allow and pay it by warrant drawn against its poor fund payable to such training school. All warrants received by the superintendent of the training school under the provisions of this section shall be transmitted to the state treasurer and the proceeds thereof shall be credited to the state general fund. The provisions of this section shall apply to the payment for clothing and other necessary personal needs of persons theretofore admitted to and in such school on the date when this act takes effect.

Persons admitted to school—how removed.

Section 16. No person admitted to such school under any order of a district court, or county board of public welfare, may be removed from said school, either permanently or temporarily, except upon the written order of the superintendent, or upon an order of any district court of the state, or order of the county board of public welfare of the county from which received, or in accordance with the provisions of Section 14 of this act, and the provisions of this section shall apply to adults as well as minors therein. The costs of any court action for the removal of any person from such school shall be borne by the party bringing the action. Any order of the district court, pursuant to this act, may be reviewed by the supreme court, provided such appeal is taken within sixty (60) days after the making of such order. Whenever the superintendent believes that any person admitted to the training school does not properly belong in said institution or at the state hospital, he shall have authority to discharge or remove such person from the said institution.

Term of members of executive board of school.

Section 17. The members of the executive board of the Montana state training school in office on the date when this act takes effect, shall continue to constitute such executive board and shall remain in office until the terms for which they were respectively appointed shall expire.

Section 18. Sections 1474 to 1483, inclusive, Revised Codes of Montana, 1935, and all acts amendatory thereof,

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Section 4 of Chapter 43, Session Laws of 1937, and all other acts and parts of acts in conflict with this act, or any of the provisions hereof, are each and all thereof, hereby repealed; provided, however, that all commitments and orders made by any and all of the district courts of this state, prior to the date this act takes effect, under and in accordance with the provisions of Section 1476, Revised Codes of Montana, 1935, shall remain in full force and effect and shall not be affected in any manner whatever by the repeal of such section by this act, and all of the provisions of this act, in so far as the same may be applicable, shall apply to all persons in such school under such commitments or orders at the time this act takes effect.

Repealing clause.

Saving clause as to commitments and orders heretofore made.

Approved March 5, 1943.

CHAPTER 184

An Act Providing for the Escheat to the Public School Fund of the State of Montana of the Estates of Residents of Montana Who Die, or Have Died, Intestate and Leaving No Heirs or Next of Kin Eligible to Inherit; Providing for the Disposition of Property Already Escheated to the State; Providing for the Sales of Escheated Property by the State Treasurer; Prescribing the Duties of the Attorney General With Regard to Escheated Estates; Providing the Method for the Restitution of Any Property Which Has Escheated or Will Escheat; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act is to be known as the "escheated property act", and it provides the exclusive method for vesting title in the State of Montana of all unclaimed property.

Title of act.

Section 2. Whenever the title to any property, either real, personal, or mixed, fails for want of heirs or next of kin, such title shall vest in the State of Montana immediately upon the death of the owner without an inquest or other proceeding in the nature of office found, and

Lacking heirs, title to property vests in state.

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there shall be no presumption that such owner died leaving heirs or next of kin.

All moneys of estate to be deposited with county treasurer.

Section 3. It is the duty of every public administrator, as soon as he receives the same, to deposit with the county treasurer of the county in which probate proceedings are pending, all moneys of the estate, and such moneys may be drawn upon the order of the public administrator, countersigned by a district judge, when required for the purposes of administration. It is the duty of the county treasurer to receive and safely keep all such moneys, and pay them out upon the order of the public administrator, when countersigned by a district judge, and not otherwise, and to keep an account with such estate of all moneys received and paid to him; and for the safe-keeping and payment of all such moneys, as herein provided, the said treasurer and his sureties are liable upon his official bond.

Final settlement of estate—disposition property and money.

Section 4. The moneys thus deposited may, upon order of the court or judge, be invested, pending the proceedings, in securities of the United States or of this state, when such investment is for the best interests of the estate. At the final settlement of any estate, if there be no heirs or other claimants thereof, the district judge shall make an order directing the public administrator to sell all property belonging to the estate and pay the proceeds to the county treasurer, who shall keep an account with such estate of all moneys received and paid to him, and the county treasurer shall forthwith remit all of said money to the state treasurer with a statement as to the estates to which the money belongs. And the state treasurer shall thereupon deposit such money so received by him in the public school fund of the State of Montana.

Unsold personal property, how disposed of.

Section 5. If the personal property in an estate was not sold by the executor or administrator at the final settlement of the estates as by law provided, then it shall be the duty of such executor or administrator to turn over all of such property to the county treasurer, who in turn shall deliver it to the state treasurer with a statement setting forth the name of the estate to which it belongs, and the state treasurer must within one (1) year of the receipt of such property cause the same to be sold to the highest bidder at a public auction sale, at his office in Helena, Montana. The state treasurer shall give notice of such sale by publication in a newspaper published in

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the city of Helena, Montana, once a week for two (2) successive weeks, making in all two (2) publications, the last publication to be at least twenty (20) days prior to the date of such sale. Such notice shall give the time and place of such sale and shall contain a list and description of the stocks, bonds, securities, effects, or other personal property to be sold. All of the expenses of such sale shall be deducted from the proceeds thereof by the state treasurer and the balance of such proceeds shall be deposited by the state treasurer in the public school fund of the State of Montana.

Unsold real property, how disposed of.

Section 6. If the real property was not sold by the executor or administrator or public administrator at the final settlement of the estate as by law provided, then it shall be the duty of the executor or administrator or public administrator to make and execute to the State of Montana an executor's or administrator's deed and to deliver the same to the county clerk and recorder of the county wherein such real property is situated, and it shall then become the duty of the county clerk and recorder to file and record said deed, without charge, and after being so recorded the county clerk and recorder shall mail the said deed to the state board of land commissioners. Within one (1) year after the receipt of such recorded deed the state board of land commissioners shall cause such property to be sold to the highest bidder at public auction sale, to be held at the court house in the county where such real property or any part thereof is situated. The state board of land commissioners shall give notice of such sale by publication in a newspaper published in the county wherein such real estate or any part thereof is situated once a week for two (2) weeks, making in all two (2) publications, the last publication to be at least twenty (20) days prior to the date of such sale. Such notice shall give the time and place of such sale and contain a description of the real property to be sold. All expenses of such sale shall be deducted by the state board of land commissioners from the proceeds thereof and the balance of such proceeds shall be turned over to the state treasurer who shall deposit the same in the public school fund of the State of Montana.

Personal property in hands of an agent.

Section 7. Whenever the personal property in an estate remains in the hands of an agent, unclaimed for two (2) years and it appears to the court or judge that it is for the

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best interests of the estate and those interested therein, such property shall be sold under the order of the court or judge and the proceeds, after deducting the expenses of the sale allowed by the court or judge, must be paid into the state treasury, and upon receipt of such proceeds it shall be the duty of the state treasurer to deposit the same in the public school fund of the State of Montana.

Sales by state treasurer, how conducted.

Section 8. All hereinbefore mentioned sales by the state treasurer must be at public auction at his office in the state capitol. Said sales must be for cash and shall be made to the highest bidder, provided, however, that the state treasurer may reject all bids which are disproportionate to the value of the property being sold.

Court action by claimant of property in hands of state treasurer.

Section 9. Any person claiming property in the hands of the state treasurer must bring an action in the district court of Lewis and Clark County, Montana, against the state treasurer. In such action one (1) copy of the complaint and summons must be served upon the state treasurer and one must be served upon the attorney general. Such action shall be prosecuted subject to all of the provisions of the statutes of this state in relation to civil actions generally, including the right of either party to appeal to the supreme court of the State of Montana.

Limitation of action.

Such action must be brought within two (2) years from the date on which the money or property is received by the state treasurer, saving, however, to infants and persons of unsound mind, or citizens of the United States beyond the limits of the United States, the right to commence their action at any time within the time limited or two (2) years after their respective disabilities cease.

Money from escheated estates to be placed in public school fund of state.

Section 10. All money or property, which is at the time of the passage and approval of this act, in the hands of the state treasurer, from escheated estates, shall be placed by him in the public school fund of the State of Montana and any person claiming such money or property at any time thereafter shall have two (2) years after the passage and approval of this act in which to file and bring an action for the recovery of the same as hereinabove provided.

Section 11. Whenever by final judgment it is deter-

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mined that an heir or next of kin is entitled to the money or property of a decedent's estate which is in the hands of the state treasurer, the judgment creditor shall cause a certified copy of such judgment to be filed in the office of the board of examiners of the State of Montana, and it shall then become the duty of the board of examiners to request the next convened legislative assembly to appropriate money out of the public school fund to pay such judgment. When such appropriation has been made it shall be paid by the state auditor and the state treasurer in the usual and customary manner and the endorsement of the judgment creditor on the auditor's warrant shall constitute a receipt in full and a release of the State of Montana for any and all claims by said judgment creditor.

Judgment creditor—procedure for payment of claim.

Section 12. The attorney general of the State of Montana shall be the legal advisor to the state treasurer in connection with all escheated property matters and it shall be the duty of the attorney general to make investigations and conduct inquries to determine whether there is property in the State of Montana which should escheat to the State of Montana, and to take all steps necessary to secure such escheat, and for this purpose the attorney general is authorized and empowered to employ a special assistant at a salary not to exceed three thousand dollars ($3,000.00) per annum.

Duty of attorney general.

Section 13. All moneys from escheated property in the public school fund of this state may be invested in the state general fund warrants by the state board of examiners.

Moneys, authorized investment of.

Section 14. If any clause, sentence, paragraph, section, or any part of this act shall be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect, invalidate, impair or nullify the remainder of this act.

Severability.

Section 15. That all acts and parts of acts in conflict herewith are hereby repealed, provided, however, that this act shall not repeal nor affect the provisions of Section 1546.1 of the Revised Codes of Montana, 1935.

Repealing clause.

Approved March 5, 1943.

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CHAPTER 185

An Act Limiting the Power of the Montana Liquor Control Board to Give Reductions on Unbroken Case Lots of Liquor.

Be it enacted by the Legislative Assembly of the State of Montana:

No reduction quantity sale of liquor.

Section 1. No reductions shall be made by the Montana liquor control board for sales of liquor in quantity.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1943.

CHAPTER 186

An Act to Amend Sections 944, 959, 1088, 1089, 1090, 1092, 1095, 1097, 1098, 1101 and 1102, of the Revised Codes of Montana, 1935, and All Relating to Teachers' Certificates, and the Powers and Duties of the State Board of Education, State Superintendent of Public Instruction, County Superintendents of Schools and County Examining Boards in Connection Therewith: and Repealing Sections 1091, 1093, 1094, 1096, 1099, and 1100 Revised Codes of Montana, 1935, and All Other Acts and Parts of Acts in Conflict With This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 944, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Examinations.

"Section 944. **Examinations.** He shall prepare all questions to be used in any examination of applicants for teachers' certificates and prescribe the rules and regulations for conducting such examinations, *subject to the approval of the state board of education.*"

Section 2. That Section 959, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 959. **Applications for Temporary Certificates.**

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He shall make application to the *state superintendent of public instruction,* if he deems it proper to do so, for the issuance of a permit or temporary certificate to persons producing satisfactory evidence showing their fitness for the profession of teaching."

Applications for temporary.

Section 3. That Section 1089, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1089. *State Board of Education. The state board of education shall prescribe and adopt rules and regulations for the issuance of all teachers certificates in accordance with methods and policies formulated and recommended by the state superintendent of public instruction for approval and adoption by such board.*"

State board of education to adopt rules and regulations.

Section 4. That Section 1090, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1090. **County Board of Educational Examiners.**

"1. HOW CONSTITUTED. In each county there shall be a board of county examiners composed of the county superintendent of schools, who shall be ex-officio chairman of the board, and two (2) competent persons recommended by the county superintendent, appointed by the board of county commissioners each for a term of two (2) years, who, at the time of their appointment shall be residents of the county and who shall have been actively engaged in teaching for a period of at least eighteen (18) months. Two (2) members of this board shall constitute a quorum for the transaction of business. If vacancies occur in these positions during the terms for which *the* incumbents were appointed, their successors shall be appointed to serve during the unexpired terms only. Upon the expiration of the regular terms of either of these examiners his successor shall be appointed to serve for two (2) years.

County board of educational examiners —how constituted.

"2. QUALIFICATIONS. *Every examiner at the time of his or her appointment must hold a Montana certificate.*

Qualifications.

"3. DUTIES. *It shall be the duty of this examining board to* conduct all eighth grade examinations in their respective counties, when requested to do so by the state board of education *and to examine and grade all exam-*

Duties of examining board.

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ination papers and shall be empowered to grant eighth grade diplomas or common school certificates to all examinees successfully passing such examination.

Compensation.

"4. COMPENSATION. The compensation of these examiners shall be their actual traveling expenses from their residences to and from the county seat, or other point in the county where the examinations are held, *and the two (2) members of the board appointed by the board of county commissioners shall receive* such further compensation per diem as the board of county commissioners may deem just and sufficient for their services, basing such compensation upon the actual quality of the work performed by them and the actual time required to perform it. Such claims shall have the approval of the county superintendent of schools *before being presented to the board of county commissioners.*"

Section 5. That Section 1092, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1092. **Certificates—Kinds.**

Certificates. —kinds.

"1. *PERMITS. When regularly certificated teachers cannot be secured, the state superintendent of public instruction in such emergencies, in accordance with rules and regulations of the state board of education prescribed* Permits. *and adopted therefor, may grant a permit to any person who has previously held a valid Montana certificate, or who meets the minimum academic and professional prerequisites in effect when such application is made, or who meets standards of preparation prescribed by the state board of education for meeting such emergencies. Such permits are valid for one (1) year and may be renewed in accordance with rules and regulations prescribed and adopted by the state board of education.*

Temporary elementary state certificates.

"2. *TEMPORARY ELEMENTARY STATE CERTIFICATES. The state superintendent of public instruction may grant a temporary elementary state certificate at any time to any teacher whose experience, qualifications and credentials meet the requirements for an elementary state certificate prescribed herein, and by the rules and regulations adopted by the state board of education. Such temporary elementary state certificates shall be valid in grades one (1) to nine (9) inclusive, in any county of the*

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state for a period of one year; provided, however, that the holder of such certificate shall have it duly registered in the office of the county superintendent of schools in the county in which employed to teach before beginning to teach.

"3. *ELEMENTARY STATE CERTIFICATES. An elementary state certificate valid in grades one (1) to nine (9) inclusive, for a period of six (6) years may be issued by the state board of education to any person of good moral character and good physical health who has two (2) years of approved academic and professional preparation taken in a standard higher educational institution. For such certificates the courses to be completed and definitions of credits shall be fixed and determined by the rules and regulations of the state board of education. Institutions recommending for certification shall file complete transcripts of record in the office of the state superintendent of public instruction in such form as may be prescribed and required by the state board of education. Applicants for certification based upon academic and professional preparation taken in institutions outside of Montana, or in institutions within the state which are not part of the university of Montana, shall comply with the rules and regulations prescribed and adopted by the state board of education with regard thereto, both as to the amount and character of training and the filing of transcripts.*

Elementary state certificates.

"4. *TEMPORARY SECONDARY STATE CERTIFICATES. The state superintendent of public instruction may grant a temporary secondary certificate at any time to any teacher whose experience, qualifications and credentials meet the legal requirements for a secondary state certificate prescribed herein. Such temporary secondary state certificate shall be valid in grades six (6) to twelve (12) inclusive, in any county of the state for a period of one (1) year; provided, however, that the holder of such certificate shall have it duly registered in the office of the county superintendent of schools in the county in which employed to teach before beginning to teach.*

Temporary secondary state certificates.

"5. *SECONDARY STATE CERTIFICATES. A secondary state certificate valid for six (6) years in grades six (6) to twelve (12), inclusive, in the public schools of Montana may be issued by the state board of education to a graduate of any fully accredited four (4) year college or*

Secondary state certificates.

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university within or without the state in accordance with rules and regulations prescribed and adopted by such state board of education. Montana state institutions recommending for certification shall file complete transcripts of record in the office of the state superintendent of public instruction in such form as may be prescribed and required by the state board of education. Applicants for certificates based upon academic and professional preparation outside of Montana, or in institutions within the state which are not a part of the university of Montana shall comply with the rules and regulations prescribed and adopted by the state board of education both as to the amount and character of training and the filing of transcripts.

Elementary life certificates.

"6. *ELEMENTARY LIFE CERTIFICATES. Candidates for elementary life certificates must be holders of an elementary state certificate in full force and effect and must present satisfactory evidence of at least thirty-six (36) months of successful teaching experience in Montana during the life of a Montana elementary state certificate, and satisfactory evidence of having secured subsequent to the issuance of the elementary state certificate such approved academic and professional training as may be prescribed and required by the rules and regulations of the state board of education.*

Secondary life certificates.

"7. *SECONDARY LIFE CERTIFICATES. Candidates for secondary life certificates must be holders of secondary state certificates in full force and effect and must present satisfactory evidence of at least thirty-six (36) months of successful teaching experience in Montana during the life of a Montana secondary state certificate, and satisfactory evidence of having secured subsequent to the issuance of the secondary state certificate such approved and professional training as may be prescribed and required by the rules and regulations of the state board of education.*

Montana secondary state and Montana secondary life certificates.

"8. *MONTANA SECONDARY STATE AND MONTANA SECONDARY LIFE CERTIFICATES. Montana secondary state and Montana secondary life certificates shall be valid in grades six (6) to twelve (12), inclusive, of the public schools of Montana, and may have their jurisdiction extended to grades one (1) to five (5), inclusive, by meeting the specialized preparation prescribed and re-*

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quired by the rules and regulations of the state board of education.

"9. *SPECIAL CERTIFICATES. Upon the request of any board of school district trustees, or its representative, or any county superintendent of schools, the state superintendent of public instruction, in accordance with rules and regulations established therefor by the state board of education, may grant a special certificate, valid only in the district requesting the same, in music, art, public speaking, foreign language, physical education and health, penmanship, home economics, agriculture, commercial and kindred subjects, industrial arts, aeronautics, the field of trade and industry, and the first three (3) year primary and kindergarten grades, to any teacher who presents satisfactory evidence of special proficiency for teaching the above subjects, provided, that such special certificate shall be valid for only one (1) year, and shall entitle the holder to teach only such special subjects as are stated therein, provided, further, that if the applicant continues teaching in the same district more than one (1) year, upon the renewed application to the state superintendent, such special certificate may become valid during the term of service in the district.*

Special certificates.

"10. *CERTIFICATES IN APPLIED MUSIC. A certificate in applied music may be issued by examination or endorsement under rules and regulations prescribed and adopted by the state board of education. The field or fields of applied music which the holder of such certificate is qualified to teach, as determined by examination or recognized credentials, shall be stated on the face thereof. Such certificate shall be temporary state, valid for one (1) year; state certificate valid for three (3) years, and life certificate, and shall be valid in such grades of the public schools as may be provided by the rules and regulations of the state board of education.*"

Certificates in applied music.

Section 6. That Section 1095, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1095. *Applications*—**Fees.** *Applications for permits and certificates shall be filed with the state superintendent of public instruction and shall be accompanied by the following fees:* permit, one dollar ($1.00); special, two dollars ($2.00); temporary elementary state, two dol-

Applications —fees.

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lars ($2.00); temporary secondary state, two dollars ($2.00); elementary state, six dollars ($6.00); secondary state, six dollars ($6.00); elementary life, five dollars ($5.00); secondary life, five dollars ($5.00). For renewal of all certificates the same fee as is required for the original certificate.

"2. STATE TEACHERS' CERTIFICATION FUND. All fees *for certificates and renewals collected by* the *state* superintendent of public instruction shall be *paid over to* the state treasurer *and by him deposited to the credit of* a fund to be known as the state teachers' certification fund, *to be used and expended solely for the purpose of paying the salary or compensation of the certificate clerk and stenographer and other expenses in connection with the receiving and filing of applications for and issuance of permits and certificates upon claims therefor approved by the state superintendent of public instruction and filed with and approved by the state board of examiners.*"

State teachers' certification fund.

Section 7. That Section 1097 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1097. 1. REVOCATION AND SUSPENSION OF PERMITS AND CERTIFICATES. The state board of *education* is authorized and required to revoke and annul, at any time, any certificate *heretofore* by the state board of education or state board of educational examiners, or *state superintendent of public instruction*, or which may hereafter be issued by the state board of *education or state superintendent of public instruction*, for any cause which would have required or authorized *a refusal* to grant if *it* had been known at the time is was granted, and for incompetency, immorality, intemperance, physical inability, crime against the state law, refusal to perform duty or general neglect of the business of the school; but, before any such revocation, the holder shall be served by the *state* superintendent of public instruction with a written statement of the charges against him, and shall be *afforded* an opportunity for defense before the state board of *education.*

Revocation and suspension of permits and certificates.

"2. SUSPENSION AND CANCELLATION OF TEACHERS' *PERMITS* AND CERTIFICATES FOR VIOLATION OF CONTRACT. Should any teacher em-

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ployed by a board of school trustees for a specified time, leave the school before expiration of such time without the consent of the trustees in writing, or without good cause, in the judgment of the state board of *education,* said teacher shall be guilty of unprofessional conduct, and the state board of *education* may, upon receiving notice of such fact, and after making investigation of the circumstances thereof, suspend the *permit or* certificate of such teacher for the remainder of the school year, or the next ensuing year, or both. A second serious violation of contract by the same teacher shall, in the discretion of the state board of *education,* be deemed sufficient cause for the revocation and cancellation of said teacher's *permit or* contract."

Suspension and cancellation of teachers' permits and certificates for violation of contract.

Section 8. That Section 1098, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1098. **Renewals.** Before the expiration of any state certificate, such certificate may be renewed by the state board of education upon the proper fee therefor being paid *to the state superintendent of public instruction,* as provided in Section 1095, as amended, and the rules and regulations prescribed and adopted by the state board of *education.*"

Renewals.

Section 9. That Section 1101, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1101. **Existing Certificates Not Affected.** Nothing in this chapter shall be construed to affect, curtail, or abridge the term, rights, or privileges to teach, supervise, or administer in the schools of Montana, possessed by any person, or persons, under the provisions of certificates by the State of Montana to said person, or persons to teach, supervise or administer in the schools of Montana, *issued prior to and outstanding on the date this act takes effect; and all certificates valid at the date this act takes effect shall retain, without limitation or restriction, their scope and renewal privileges as the same existed when such certificates were* issued. Neither shall any provision in this chapter be construed to prevent the holder of any *such* certificate from qualifying for the position of supervisor or administrator in the schools of Montana, provided he was entitled to do so under the provisions of

Existing certificates not affected.

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said certificate, and provided said certificate has been kept in full force and effect."

Section 10. That Section 1102, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Training of teachers—no discrimination against Montana trained teachers.

"Section 1102. **Training of Teachers—No Discrimination Against Montana Trained Teachers.** *No rule or regulation shall be prescribed or adopted by the state board of education* requiring higher standards for Montana trained teachers than required of teachers coming into Montana but who were trained elsewhere."

Repealing clause.

Section 11. That Sections 1091, 1093, 1094, 1096, 1099 and 1100 of the Revised Codes of Montana, and all other acts and parts of acts in conflict with the provisions of this act be, and the same are hereby repealed.

Effective date.

Section 12. This act shall be in full force and effect on and after July 1, 1943.

Approved March 5, 1943.

CHAPTER 187

An Act Amending Section 10040, Revised Codes of Montana, 1935, Relating to Proceedings in the Production of Foreign Wills in Probate Matters; Defining Interested Parties in Such Proceedings and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10040, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Petition for letters—hearing.

"Section 10040. When a copy of the will and probate thereof duly authenticated shall be produced by the executor, or by any other person, with a petition for letters, the same must be filed, and a court or judge must proceed to hear said petition and no notice of the hearing of said petition need be given. *Provided further that all orders heretofore made admitting foreign wills to probate wherein the executor or any heir has requested in writing the ap-*

Validation of orders heretofore made.

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pointment of the person who was appointed are hereby declared valid, whether notice of the hearing was given or not."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 5, 1943.

CHAPTER 188

An Act to Amend Section 2172.1 of the Revised Codes of Montana, so as to Authorize the Payment of Semi-annual Installments of Irrigation or Drainage District Taxes and Assessments at Any Time.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2172.1 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 2172.1. *Payment of Irrigation or Drainage District Assessment.* It shall be the duty of the county treasurer of each county in which any irrigation or drainage district is located, in whole or in part, to collect and receipt for all taxes and assessments, levied by any such district, in the same manner and at the same time as is required in the collection of taxes upon real estate for county purposes, as provided in Section 2169.2 of the Revised Codes of Montana of 1935, provided, the treasurer shall receive from any taxpayer at any time, the amount due on account of any district assessments of any kind, whether other taxes on the same real estate are paid or not. *When any real estate on account of which such district taxes and assessments have been levied has been sold to the county and tax certificate of sale is held by the county, the taxpayer may pay to the treasurer at any time any semi-annual installment of such district tax or assessment, together with the penalty and interest to date of payment on such installment; provided that such payment shall not be deemed a redemption of said property from such tax sale, but shall be credited on account of any redemption that may thereafter be made. In case of any payment pursuant to this act,* a separate tax receipt shall issue Payment of irrigation or drainage district assessment.

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showing exactly what assessments have been paid and shall show that no other tax on said real estate has been received by said treasurer, and provided further, such county treasurer shall not collect or receive or receipt for any taxes levied for county purposes upon real estate situated wholly or in part within any irrigation or drainage district upon which an assessment for the purposes of such irrigation or drainage district has been levied, unless the said assessment levied for such irrigation or drainage district purposes be paid, as herein permitted and the receipt therefor presented to the county treasurer at the time such taxes are paid, or paid at the same time."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith, are hereby repealed.

Approved March 5, 1943.

CHAPTER 189

An Act to Amend Subsection (8) of Section 7, Section 13 and Section 14 of Chapter 152, Session Laws, 1941, Relating to Transportation of Elementary and High School Pupils.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subsection (8) of Section 7 of Chapter 152, Session Laws, 1941, be, and the same is hereby amended to read as follows:

Schedule may be altered, when.

"(8). In isolated cases where it will be more economical and desirable to close a school *and to provide transportation*, or board in a private home or dormintory *for one or more pupils in order that they may attend another school in the same district, or in order that they may attend a school in another district, or where a school is maintained in a district but one or more pupils reside at such a distance from the school that it would be more economical and desirable, instead of furnishing transportation or board for attendance at the school in such district, to furnish transportation or board in a private home or dormitory while attending school in another district,* this schedule may be altered by the county superintendent of

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schools, with the consent *and approval* of the state superintendent of public instruction; *provided that in no case shall the altered schedule allow more than twenty dollars ($20.00) per month for one child and five dollars ($5.00) per month for each additional child from the same family.*"

Section 2. That Section 13 of Chapter 152, Session Laws, 1941, be, and the same is hereby amended to read as follows:

"Section 13. *Reimbursements.* (a) Each school district and each county high school meeting the requirements of this act shall be entitled to reimbursement from the state public school general fund in an amount not to *exceed one-third (1/3)* of the actual cost of transportation, or services rendered in lieu of transportation, *annually* on presentation to the state superintendent of public instruction, through the office of the county superintendent of schools, or certified claims for such reimbursement using for such purpose the forms provided by the state superintendent of public instruction. Such reimbursement shall be made in accordance with the provisions of Section 1200.1, 1200.6, 1200.7 and 1200.9 of the Revised Codes of Montana, 1935, except that the schedule provided in this act for individual transportation, or services in lieu thereof, shall be used instead of any schedule which may have been heretofore or may hereafter be fixed and promulgated by the state board of education. In determining the cost of transportation, or services in lieu thereof, no amount shall be included except those which have been paid out by a school district or county high school in the regular manner provided for the payment of other financial obligations for the maintenance of their schools.

Reimbursements.

"(b). *Each school district maintaining one or more elementary schools, or providing for the transportation of its elementary pupils to attend school in another district, meeting the requirements of this act, shall be entitled to reimbursement from the county common school fund provided by the tax levy authorized and made in accordance with the provisions of Section 1202, of one-third (1/3) of the actual cost of transportation, or services rendered in lieu thereof, semi-annually, such reimbursement to be made on duplicates of the certified claims for reimbursement by the state. No apportionment shall be made of such common school fund in either June or December in each*

Districts maintaining elementary school or transporting elementary pupils to another district.

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year until after such reimbursements therefrom have been made to such school districts.''

Section 3. That Section 14 of Chapter 152, Session Laws, 1941, be, and the same is hereby amended to read as follows:

Budgets and levies for transportation.

''Section 14. (a). *Budgets and Levies for Transportation. The board of trustees of any school district maintaining an elementary school, or schools, or providing for the transportation of its pupils to attend an elementary school or schools, outside of the district, or furnishing services in lieu thereof, shall have the authority and it shall be its duty to provide and adopt a complete transportation budget therefor, which budget shall show in detail and by items the estimated expenditures and receipts for the school year for which it is provided. The form of such transportation budget shall be prescribed by the state superintendent of public instruction. The total amount of the estimated expenditures, as shown by such transportation budget, shall be shown and included in Section 1 of the elementary school budget form as provided in Section 1019.3, and the estimated receipts from reimbursements, as shown in such transportation budget, shall be shown and included in Section 3 of the elementary budget form as provided in Section 1019.9. When the copy of the final elementary budget for any school district is transmitted by the county superintendent of schools to the state superintendent of schools, as required by Section 1019.20, it shall be accompanied by a copy of the transportation budget, if any, adopted for such school district.*

No special levy required when.

''1. When the total amount required for the elementary school budget of any district, including all transportation, and after deducting all estimated receipts, including reimbursements, as shown by the summary required by Section 1019.18, will not require a levy against the property in the district in excess of ten (10) mills, no special or additional levy for transportation shall be made but the whole cost of such transportation, or services in lieu thereof, shall be paid out of the receipts from the levy authorized by said Section 1203, and from all other sources including reimbursements, as shown in said budget.

''2. When the total amount required for the elementary school budget for any district, including all transportation,

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and after deducting all estimated receipts, including reimbursements, will require a levy of more than ten (10) mills, a special levy against the taxable property in the district may be made in such number of mills as will raise not to exceed one-third (1/3) of the total amount set out in the budget for payment of transportation, or for services in lieu thereof, without being authorized at any election, but no other or additional levy shall be made unless the same is authorized by an election in accordance with the provisions of Section 1219 to 1222 inclusive.

Special levy without an election, when.

"(b) *The board of trustees of every school district maintaining a high school, or furnishing transportation for its pupils to another high school in the county, or services in lieu thereof, and the board of trustees of every county high school, shall have the authority and it shall be its duty to provide a complete transportation budget therefor, which budget shall show in detail and by items the estimated expenditures and receipts, including the state transportation reimbursements, for the school year for which it is provided. The form of such transportation budget shall be prescribed by the state superintendent of public instruction. The total amount of the estimated expenditures, as shown by such transportation budget, shall be shown and included in Section 5 of Part 1 of the high school budget form provided by Section 1263.2, and the estimated receipts from state transportation reimbursements shall be shown and included in Section XI of Part II of the high school budget form provided by said Section 1263.2. A copy of the high school transportation budget adopted for each high school shall be transmitted by the county superintendent of schools to the state superintendent of public instruction at the same time copies of the final high school budgets are required to be so transmitted. For each high school transportation budget the amount remaining, after deducting all estimated receipts, including state transportation reimbursements, from the total amount required for transportation, or services in lieu thereof, shall be the amount required to be raised by tax levy for such high school transportation budget, and the total of all such amounts required to be raised by tax levy for all such high school transportation budgets shall be the total amount required to be raised by a county-wide high school transportation levy, and the county commissioners, except as hereinafter provided, shall make a coun-*

Districts maintaining a high school or transporting pupils to another high school —transportation budget required.

Amount of high school transportation levy.

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County-wide levy for high school transportation.

ty-wide levy of such number of mills as will raise such total amount; provided that the *amount budgeted for high school transportation in any high school budget shall not be deemed or* considered as a part of *or included within* the maximums for high school budgets *as fixed and determined by* Section 1263.5, *as amended, and the county-wide high school transportation levy herein provided for shall not be deemed or construed* as a part of the county-wide *high school* levy *authorized by Section 1263.11, unless the trustees making such budget so desire and the* board of county commissioners find that such *high school transportation* levy is not *required* to raise the amount necessary for such budget for all purposes including transportation *or services in lieu thereof.*"

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect on and after its passage and approval, but shall not affect in any manner whatever elementary and high school budgets heretofore adopted for the school year July 1, 1942 to June 30, 1943 inclusive.

Approved March 5, 1943.

CHAPTER 190

An Act Relating to Registration of Electors Who Are Absent From the County of Their Legal Registration, and Unable to Appear Before the County Clerk and Ex Officio Registrar, During the Periods Provided by Law for Registration.

Be it enacted by the Legislative Assembly of the State of Montana:

Method of registration of electors absent from county.

Section 1. Any elector who is unable to make personal application for registration to vote by appearing before the county clerk and ex officio registrar of the county of his or her legal residence, by reason of being absent from the county, may register to vote prior to the close of registration, before any election to be held in the State of Montana, by appearing, executing and verifying under oath, before a notary public or other officer authorized to administer oaths, at any place within the continental limits

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of the United States of America, a registration card in the form prescribed in Section 554 of the Revised Codes of Montana of 1935, and returning such registration card, so executed and verified, to the county clerk and ex officio registrar of the county in which his or her legal residence is located in sufficient time to reach such county clerk and ex officio registrar before the close of registration; provided, however, such an elector shall not be entitled to have his name entered in the official register of electors until at least two (2) registered electors of the county in which such elector desiring to be registered has his place of residence, as stated in his application for registration, appear before the county clerk and ex officio registrar and make affidavit or affidavits in writing, stating they are personally acquainted with the applicant for registration, are familiar with and know his signature, have seen him write and that the signature subscribed to the application for registration is the signature of such elector.

Section 2. The county clerk and ex officio registrar of of the county of an elector's legal residence shall furnish to any elector applying therefor, whether application be made by mail, telegram or telephone, one (1) of the printed registration cards provided for registration of electors, to be used by such elector in registering; said card to be transmitted by United States mail, with postage prepaid, by said county clerk and ex officio registrar to the address furnished by the elector at the time of making of his application.

Registration card to be mailed to elector upon application.

Section 3. In the case of any person who desires and who is entitled to register in the manner provided in Section 1 of this act, the questions required by Section 3 of Chapter 172 of the laws of the twenty-fifth legislative assembly of the State of Montana, 1935, to be asked each person registering, shall be propounded in writing and shall be transmitted by the county clerk and ex officio registrar, together with registration card, in the manner above provided, to the person so desiring to register, who shall answer such questions in writing and shall return such answers to the county clerk and ex officio registrar, together with completed registration card.

Questions to be asked and answered in writing.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1943.

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CHAPTER 191

An Act Relating to Budgets for High Schools and the Levying of Taxes for High School Purposes for the School Years Beginning July 1, 1943 and Ending June 30, 1944, and Beginning July 1, 1944 and Ending June 30, 1945, and Expending Money Received by School Boards From the Federal Government in Addition to the Regular Budget.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. If it shall appear to the satisfaction of the board of trustees of any high school and the county board of school budget supervisors, that because or on account of an anticipated increase in amounts required for payment of salaries and other maintenance and operating expenses for any school year, the maximum amount which may be budgeted for such high school during such year, as set forth, specified and determined in the manner provided by Section 1263.5, Revised Codes of Montana, 1935, as amended by Chapter 166, Session Laws, 1939 and Chapter 64, Session Laws, 1941, will not provide sufficient funds for such additional maintenance and operating expenses during such school year, then, and in that event only, the amount of the budget for such school year, as so set forth, specified and provided in said Section 1263.5, as amended, may be increased by adding to such maximum amount not to exceed ten per centum (10%) thereof. And all funds received by any school board from the federal government may be expended and shall not be included in the maximum herein set forth or provided in said Section 1263.5, as amended, or by this act.

Existing maximum high school budget may be increased 10%, when.

Section 2. In each county in which one or more high schools are maintained, the board of county commissioners shall annually levy on the second Monday in August a special tax for such high school or high schools, which special tax shall not exceed seven (7) mills; except in counties in which the amount when computed by applying a seven (7) mill levy against the taxable valuation of the county will be less than one hundred thirty-five dollars ($135.00) for each pupil residing in the county and regularly enrolled and attending high school in the county for not less than forty (40) days during the last completed school year, together with the amount contained in the

Special tax for high school to be levied by county commissioners.

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budget provided for in Section 1263.8, as amended, for pupils authorized to attend high school outside of the county. In such counties the levy may be made and fixed at such rate that the amount, when computed by applying the levy against the taxable valuation of the county will be one hundred thirty-five dollars ($135.00) for each pupil residing within the county and regularly enrolled and attending high school in the county for not less than forty (40) days during the last completed school year together with the amount contained in the budget provided for in Section 1263.8, as amended, for pupils authorized to attend high schools outside of the county; provided, that any tax levied under the provisions of this section shall be in lieu of and not in addition to the tax authorized to be levied by Section 1263.11, as amended. All of the provisions of Section 1263.11, Revised Codes of Montana, 1935, as amended by Chapter 131, Session Laws, 1941, shall apply to the collection and apportionment of such tax.

Application of act limited.

Section 3. The provisions of this act shall apply only to budgets for high schools which may be adopted for either or both of the school years beginning July 1, 1943 and ending June 30, 1944, and beginning July 1, 1944 and ending June 30, 1945, and not to any of such budgets for any year or years thereafter, and this act shall cease to have any force or effect after the second Monday in August, 1945.

Construction of act with reference to existing law.

Section 4. None of the provisions of this act shall be deemed or construed to be in conflict with or to repeal any of the provisions of Section 1263.5, Revised Codes, 1935, as amended by Chapter 166, Session Laws 1939 and Chapter 64, Session Laws, 1941, or any of the provisions of Section 1263.11, Revised Codes, 1935, as amended by Chapter 131, Session Laws, 1941, but shall be deemed and construed as merely authorizing the budgeting of larger amounts and the levying of a higher rate of tax for the school years, specified in Section 3 hereof, or for either thereof, when the same shall be necessary because of an anticipated increase in amounts required for payment of salaries and other maintenance and operating expenses during said years, or either thereof.

Effective date.

Section 5. This act shall be in full force and effect on and after its passage and approval.

Approved March 5, 1943.

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CHAPTER 192

An Act to Amend Section 1263.16, Revised Codes of Montana, 1935, Relating to High School Budgets.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1263.16, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1263.16. **Budget Act Not Applicable in Emergency Cases.** The provisions of this act shall not apply in the case of any emergency caused by the destruction or impairment of any school property necessary for the maintenance of a high school, or by the entering in a court of competent jurisdiction of a judgment for damages against the district, or a county high school, or by the enactment of legislation after the adoption of any final budget requiring an expenditure not contemplated therein, *or by an increase in the enrollment in a high school during the school year to such an extent as to make necessary the providing of an additional teacher or teachers or additional school facilities,* but the trustees of any district or county high school, when such emergency arises therein, may proceed, in any manner authorized by law, to levy taxes, raise funds, and make expenditures to meet and overcome such emergency."

Budget act not applicable in emergency cases.

Section 2. This act shall be in full force and effect on and after its passage and approval.

Effective date.

Approved March 5, 1943.

CHAPTER 193

An Act to Amend Section 1019.16, Revised Codes of Montana, 1935, Relating to Elementary School Budgets.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1019.16, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 1019.16. **Provision for Emergency.** The pro-

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visions of this act shall not apply in the case of any emergency caused by the destruction or impairment of any school property necessary for the maintenance of school, or by the entering by a court of competent jurisdiction of a judgment for damages against the district, or by enactment of legislation, after the adoption of any final budget, requiring expenditures not contemplated therein, *or by an increase in the enrollment in an elementary school during the school year to such an extent as to make necessary the providing of an additional teacher or teachers or additional school facilities,* but the trustees of any district, when any such emergency arises therein, may proceed, in any manner authorized by law, to levy taxes, raise funds, and make expenditures to meet and overcome such emergency."

Provision for emergency.

Section 2. This act shall be in full force and effect on and after its passage and approval.

Effective date.

Approved March 5, 1943.

CHAPTER 194

An Act Providing That All Honorably Discharged Persons Who Served With the United States Forces in Any of Its Wars and Who Were Bona Fide Residents of the State of Montana at the Time of Their Entry Into Said United States Forces Shall Have Free Fees and Tuition in Any and All of the Units of the University of Montana, Including the Law and Medical Departments, and for Extra Studies in Any of the Units of the University of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All honorably discharged persons who served with the United States forces in any of its wars and who were bona fide residents of the State of Montana at the time of their entry into said United States forces shall have free fees and tuition in any and all of the units of the university of Montana, including the law and medical departments, and for extra studies in any of the units of the university of Montana.

Free tuition and fees at all units of university provided for.

Section 2. This act amends all acts or parts of acts in conflict herewith.

Acts amended.

Approved March 5, 1943.

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CHAPTER 195

An Act Providing That Certain Persons Connected With Newspapers and Press Associations Shall Not Be Required to Disclose Source of Information Obtained by Such Persons in the Course of Their Employment.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of act.

Section 1. This act shall be known and may be cited as "the reporters' confidence act."

Reporters not obliged to disclose source of information.

Section 2. No persons engaged in the work of, or connected with or employed by any newspaper or any press association for the purpose of gathering, procuring, compiling, editing, disseminating or publishing news shall be required to disclose the source of any information procured or obtained by such person in the course of his employment, in any legal proceeding, trial or investigation before any court, grand jury or petit jury, or any officer thereof, before the presiding officer of any tribunal, or his agent or agents, or before any commission, department, division or bureau of the state, or before any county or municipal body, officer or committee thereof.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1943.

CHAPTER 196

An Act to Amend Sections 2 and 5 of Chapter 155, of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana, 1941, Relating to Elimination of Certain Lands From Drainage Districts, and Providing for Procedure Relative Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 155 of the session laws of the twenty-seventh legislative assembly of the State of Montana, 1941, shall be, and is hereby amended to read as follows:

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"Section 2. An action for the exclusion of lands from any such drainage district may be brought in the district court of the county wherein said lands are situated by the owner or *owners in fee* of said lands, who shall be designated as the plaintiff *or plaintiffs,* and in said action *the members of the board of drainage commissioners of said drainage district* shall be made defendants."

Action for exclusion of lands.

Section 2. That Section 5 of Chapter 155 of the session laws of the twenty-seventh legislative assembly of the State of Montana, 1941, shall be, and is hereby amended to read as follows:

"Section 5. The summons shall be served *upon the president and secretary of the board of drainage commissioners and such service shall be deemed as service upon the drainage district.*"

Service of summons.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1943.

CHAPTER 197

An Act to Amend Section 1805.26 of the Revised Codes of Montana of 1935, Relating to Rental and Issuance Fees for Leases of State Lands and Cancellation of Such Leases for Non-payment, by Providing Rental Shall Be Payable at the End of Each Year of Said Lease When the Federal Government Is the Lessee; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1805.26 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 1805.26. **Rental, When Due—Cancellation for Non-Payment.** The rental for the first year of the lease and the fee of two dollars and fifty cents ($2.50) for issuing the lease shall be paid at or before the time of the execution of the lease; provided, however, that in the case

Rental and fee, when due.

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of all leases which take effect on and after October 1 and before the expiration of the coming February, both the rental for the fractional year and for the next full year beginning March 1, shall be paid and collected at the time of issuing the lease; *provided, further, when the government of the United States is the lessee of state lands for grazing purposes, the rental shall be payable at the end of each year of said lease.* The rental for each succeeding year on leases hereafter issued, *with the exception of leases wherein the government of the United States is the lessee,* shall become due and payable to the commissioner of state lands and investments on December 15 next preceding the rental year to which the rental applies and if not paid on or before February 1 next following, this non-payment shall have the effect of cancelling the lease from and after February 28 of that year. The Commissioner shall notify the lessee by letter addressed to the post office address given in the lease of such cancellation, and the land shall then be open for lease to other applicants."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1943.

CHAPTER 198

An Act to Amend Sections 1746.1 and 1746.2 of the Revised Codes of Montana 1935, Relating to Offenses for Operating Motor Vehicles on Highways and Streets of This State While Intoxicated or Under the Influence of Intoxicating Liquor, Drug or Narcotic; Prescribing Penalties for Violation of the Provisions of This Act and for Revocation of Driver's License, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1746.1 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"1746.1. It shall be unlawful for any person while in

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an intoxicated condition or under the influence of intoxicating liquor or any drug or narcotic to drive, operate or run upon or over any highway or street or public thoroughfare within the State of Montana, whether within or without a municipality, any automobile, truck, motorcycle or any other motor vehicle."

Operation of motor vehicle by intoxicated person forbidden.

Section 2. That Section 1746.2 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"1746.2. Any person driving, operating or running any such motor vehicle upon or over any highway, street or public thoroughfare of the State of Montana, whether within or without a municipality while *in an* intoxicated *condition* or under the influence of intoxicating liquor or of any drug or narcotic shall upon conviction thereof be *punished by a fine of* not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00), or shall be imprisoned in the county jail not less than thirty days nor more than six months, *or by both such fine and imprisonment.* Such fine or imprisonment shall be assessed against any such person so convicted regardless of whether or not his act or acts or omission have resulted in any damage to a person or property of any person, firm or corporation. Such conviction shall of itself forthwith operate as revocation of such driver's license to operate any motor vehicle and shall of itself render such license null and void and the person so convicted and punished shall not be eligible to apply for or receive a license to operate any motor vehicle, nor shall he be permitted to drive, run or operate any such motor vehicle, for thirty days from the date of such conviction; if that person whose license has been revoked by his conviction of a violation of this act aforesaid shall thereafter drive, run or operate upon any highway, street or public thoroughfare within this state, whether within or without a municipality any motor vehicle within the time for which his said license has been suspended or revoked, he shall upon conviction thereof be punished by a fine of not less than *fifty dollars ($50.00)* or more than five hundred dollars ($500.00) or by imprisonment in the county jail not less than *thirty days* nor more than *six months, or by both such fine and imprisonment.*"

Penalty.

Conviction of itself revokes driver's license.

Penalty for subsequent offense.

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Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1943.

CHAPTER 199

Title of act.

An Act Creating the Montana Highway Patrol Board, Designating the Members Thereof; Providing for the Appointment of a Supervisor, His Qualifications, Term of Office, Salary and Duties; the Qualifications, Appointment, Term, Salary and Duties of Assistant Supervisors, Director of Public Safety and Education, Sergeants and Patrolmen; Equipment to Be Furnished for Patrolmen; Defining and Enumerating Acts Constituting Crimes Pertaining to the Use of the Highways and the Operation of Motor Vehicles; Prescribing Penalties for Violations; Regulating the Speed of Motor Vehicles on the Highways of the State of Montana, Fixing Exceptions Thereto and Creating Speed Zones and Emergency War-time Speed Limits; Defining Powers and Authority of Members of the Montana Highway Patrol and Method of Making Arrests; Fees of Justices of the Peace for the Purpose of This Act, Costs of the Counties for the Purpose of This Act; Providing for State Driver's Licenses and Fees Therefor, and for the Disposition of Moneys; Providing for the Revocation of Driver's Licenses and Reasons Therefor; Defining Causes for Dismissal, Suspension or Demotion of Members of the Highway Patrol and Prescribing the Manner for Hearing Charges Against Such Members; Repealing Sections 1741.2, 1741.3, 1741.4, 1741.5, 1741.6, 1741.7, 1741.8, 1741.9, 1741.10, 1741.11 and 1741.13, of the Revised Codes of Montana, 1935, Chapters 62 and 182 of the Session Laws of Montana, 1937, Chapters 198 and 211 of the Session Laws of Montana, 1939, Chapter 148 of the Session Laws of Montana, 1941, and Section 1741.12 of the Revised Codes of Montana, 1935, as Amended by Section 5 of Chapter 14 of the Session Laws of Montana, 1941; and Repealing All Other Acts and Parts of Acts in Conflict With this Act.

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Be it enacted by the Legislative Assembly of the State of Montana:

Montana highway patrol created.

Section 1. **Montana Highway Patrol Created.** There is hereby created a "Montana highway patrol" under the control and supervision of the Montana highway patrol board.

Board defined.

Chairman.

Section 2. **Board Defined—Chairman.** The members of the state highway commission shall comprise the Montana highway patrol board and the chairman of the state highway commission shall be the chairman of the Montana highway patrol board.

Organization.

Rules and regulations.

Section 3. **Organization—Rules and Regulations.** The Montana highway patrol board shall maintain a permanent place of business at the state capitol and shall meet at least once each month for the purpose of transacting its business. The Montana highway patrol shall provide for clerical help, provide for the maintenance of the patrol and for the employment and supervision of the patrol in conformity with the provisions of this act.

Supervisor.

Term and salary.

Section 4. **Supervisor — Term — Salary — Supervisory Power — Resident Requirement.** The board shall select a highway patrol supervisor who shall hold his office until his appointment has terminated for cause, as hereinafter set forth, and shall receive a salary of not more than thirty-four hundred dollars ($3400.00) per annum, and necessary traveling expenses. The supervisor shall have direct control and supervision of all patrolmen, subject to the approval of the Montana highway patrol board. The person named as supervisor shall have been a continuous resident of Montana for at least five (5) years.

Assistant supervisors, sergeants, director of public safety, and patrolmen.

Section 5. **Qualifications of Patrolmen—Salary—Probationary Training — Discharge — Demotion — Suspension — Hearing.** The board shall designate and name assistant supervisors, not to exceed four (4) in number, patrol sergeants not to exceed four (4) in number, one (1) director of public safety and education, and patrolmen in such numbers as the board may deem necessary. Said patrolmen shall be chosen in equal numbers in the twelve (12) highway districts. Replacements and additions to the force shall be selected in the same manner, but in no event shall the salaries and expenses of patrolmen ever exceed the amount hereinafter provided. Assistant supervisors, a director of public safety and education,

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and sergeants shall be selected from the patrolmen by the supervisor, subject to the approval of the highway patrol board. The duties and jurisdiction of the assistant supervisors, director of public safety and education and sergeants shall be outlined, defined and under the control of the supervisor, subject to the approval of the Montana highway patrol board. Patrolmen shall possess the following qualifications:

1. Sound and active physical and mental condition.

Qualifications of patrolmen.

2. Good moral character.

3. Resident of Montana for at least five (5) years last past.

4. Pass a satisfactory test in the operation of both automobiles and motorcycles.

5. Not over fifty-five percent (55%) of the patrol shall belong to one political party.

6. Citizen of the United States and State of Montana. For the purposes of this act, the supervisor, assistant supervisors, director of public safety and education, sergeants and patrolmen shall all be deemed patrolmen. The Montana highway patrol board shall prepare a schedule of compensation and expenses for all patrolmen and submit it to the state board of examiners for their approval.

Probationary training.

All patrolmen shall be placed under probationary training and service for a period of six (6) months to one (1) year, during which time the highway patrol supervisor must recommend to the highway patrol board for permanent appointments or the patrolmen will automatically be dismissed. Patrolmen filling vacancies caused by the incumbents' entrance into the armed forces of the United States, shall, on the return of the incumbents be placed in the patrol reserve, without pay; otherwise they shall hold their permanent appointments while there are sufficient operating funds. Reserve patrolmen shall then be used for future replacements in the permanent patrol.

Every person employed or appointed and designated as a supervisor, assistant supervisor, sergeant, director of public safety and education, or patrolman under and pursuant to the provisions of this act, except as above provided, shall continue in service and hold his position without demotion until suspended, demoted, or discharged in

Duration of employment.

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the manner hereinafter provided, for one or more of the causes specified in the following paragraph. Causes for suspension, demotion, or discharge will be:

Causes for suspension, demotion or discharge.

1. Conviction of any crime involving moral turpitude in any court of competent jurisdiction subsequent to the commencement of such employment.

2. Gross neglect of duty or wilful violation or disobedience of orders or regulations.

3. Loitering about or entering places of ill fame, ill repute, or where gambling is known to be conducted or to be in progress, except in the immediate discharge of duty.

4. Conduct unbecoming an officer.

5. Drinking intoxicating liquor while using state-owned cars or in uniform, or being intoxicated in a public place.

6. Sleeping while on duty.

7. Incapacity, or partial incapacity, materially affecting his ability to perform his official duties.

8. Gross inefficiency in performing duties.

9. Active participation in any political campaign by supporting or opposing, directly or indirectly, any political candidate, or contributing financially or otherwise, directly or indirectly, to the success or defeat of any political party or candidate.

Charges against employees.

The charge or charges against any such employee shall be made in writing and shall be signed and sworn to by the person making the same, which written charge or charges shall be filed with the supervisor of the Montana highway patrol. Any charges involving suspension or dismissal of the supervisor or an assistant supervisor shall be filed directly with the highway patrol board.

Time for hearing to be fixed, or charges dismissed.

Upon the filing of the same, if the supervisor, in his opinion, believes that such charges constitute grounds for discharge, he shall order a hearing to be had thereon before the highway patrol board and fix a time for such hearing, otherwise he shall dismiss such charges.

Notice of charges.

At least ten (10) days before the time appointed for said hearing, written notice specifying the charge or charges filed and stating the name of the person or persons

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making the charge or charges shall be served on the said employee personally, if his whereabouts is known, in the State of Montana. If at the time, the whereabouts of the said employee is unknown, or if he be outside of the State of Montana, service may be made upon him by mailing the said written notice to him at his last known place of residence in Montana.

If the supervisor orders a hearing he may suspend such employee pending the rendition of the decision made in such case.

The highway patrol board shall be the authority to hear such charge or charges and render a decision and appropriate order.

Witnesses at hearing, compulsory attendance of.

The highway patrol board shall have the power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers, and other evidence at such hearing and for that purpose issue subpoenas and cause the same to be served and executed in any part of the state.

The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross examine the same and to introduce at such hearing testimony in his own behalf and shall be entitled to be represented by counsel at such hearing. The highway patrol board shall within fifteen (15) days after such hearing render its decision in writing and file same in its office with the supervisor and with the employee accused also.

If, after such hearing, the highway patrol board find that any such charge or charges made against the employee are true, it may punish the offending party by reprimand, suspension without pay, demotion, or dismissal.

Right of appeal.

Any employee who is so suspended, demoted, or dismissed may have a right of appeal to the district court of Lewis and Clark county, within ten (10) days after such decision or determination of the highway patrol board, and said court shall review such decision or determination in a summary manner and shall render its decision upon such appeal within ninety (90) days from the filing of such appeal in said court. If such decision or determination of the highway patrol board shall be finally reversed or modified by said court, the said employee shall be rein-

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stated in his position and the highway patrol board shall pay to the said employee any salary or wages withheld from him pending the determination of the charge or charges, or as may be directed by the court.

Board may order charges filed.

The highway patrol board shall have the authority to order the supervisor to file charges with the board if the supervisor in his judgment does not believe the charge or charges warrant a hearing.

Suspension of patrolmen by supervisor for cause.

When the highway patrol supervisor has cause to believe that any member of the highway patrol has violated any of the hereinabove specified grounds for suspension, demotion or discharge, or his conduct has warranted reprimanding, he may, with the approval of the Montana highway patrol board, suspend, demote or reprimand the member. Suspension shall be without pay and for a period not to exceed twenty (20) days in time. In cases of demotion, the member shall receive the pay of the classification to which he is demoted.

Equipment of patrolmen.

Section 6. **Equipment of Patrolmen.** The highway patrol board shall equip patrolmen with either automobiles or motorcycles, and all said equipment shall be fitted with a distinctive siren and a particularly designated light at night. The patrol board shall furnish all permanent patrolmen with one initial overcoat, and one cap, one blouse, one shirt, and one pair of trousers per man per year, or three-fourths of their respective values in cash, with the approval of the assistant supervisor of their respective districts.

Speed limits.

Section 7. **Speed Limits—War-time Speed Limits—Establishment of Speed Zones and Penalties.** No person shall drive a motor vehicle on a public highway of this state at a speed greater than is reasonable and prudent to conditions then existing.

Trucks and tractors.

Maximum speed limits for trucks and/or tractors and trucks and or tractors and trailers weighing two (2) tons or more gross with or without load shall be forty-five (45) miles per hour.

Other motor vehicles.

Maximum speed limits for all other motor vehicles shall be fifty-five (55) miles per hour during the hours when lights on vehicles are required.

Provided, however, that during the existent war emer-

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Wartime speed limits.

gency the Montana highway patrol board shall have the power and authority to and shall fix and establish maximum speed limits within the State of Montana.

Limited speed zones authorized.

The supervisor of the highway patrol is authorized and empowered to determine and establish on any public highway of the State of Montana, or any portion thereof, limited speed zones. The boards of county commissioners in the counties in which they have jurisdiction, are authorized and empowered to determine and establish on any road or street without the limits of corporate towns in their respective counties limited speed zones and in the absence of action by said supervisor of the highway patrol, which speed limits shall constitute the maximum speed at which any person may drive or operate any vehicle upon such zoned highway or portion thereof so zoned and on which the maximum speed permissible in said zone has been conspicuously posted. Such zones are limited and classified as follows:

A. Zone 1. The maximum permissible speed shall not exceed twenty-five (25) miles per hour at all times.

B. Zone 2. The maximum permissible speed shall not exceed thirty-five (35) miles per hour at all times.

C. Zone 3. The maximum permissible speed shall not exceed forty-five (45) miles per hour at all times.

Penalties for violations.

Every person operating a motor vehicle at a speed in excess of the speed limits herein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished upon a first conviction by a fine of not less than five dollars ($5.00) and not more than one hundred dollars ($100.00), or by imprisonment for a period of not more than thirty (30) days or by both such fine and imprisonment, and on a second or subsequent conviction may at the discretion of the court be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred fifty dollars ($150.00), or by imprisonment for a period of not more than sixty (60) days, or by both such fine and imprisonment.

Acts constituting crimes.

Section 8. **Acts Constituting Crimes.** For the purpose of this act, the following acts committed relative to the use of the highways and the operation of motor vehicles in the State of Montana shall constitute a crime punishable by law as hereinafter provided:

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(1) Driving a motor vehicle without all proper licenses or permits as now required or hereafter provided.

(2) Passing a motor or other vehicle, or changing direction, or stopping on a highway without giving proper warning or signal.

Warning signals.

The following shall constitute proper warning or signals:

1. Blow horn when passing.

2. Left turn—left hand and arm extended horizontally.

3. Right turn—left hand and arm extended upward.

4. Stop or decrease speed—left hand and arm extended downward.

Acts constituting crimes.

(3) Passing a motor or other vehicle on blind curves, hills, or any other place where view is obstructed or obscured, or over an unbroken centerline.

(4) In driving a vehicle, of any type, at night without suitable lights or reflectors for the protection of traffic.

(5) Resisting or interfering with a patrolman making a legal arrest.

(6) Driving an automotive vehicle in a reckless manner, or in excess of speeds designated by the highway patrol supervisor at dangerous points. Driving an automotive vehicle in a reckless manner is the violation of two (2) or more of the highway patrol board regulations or of the Montana motor vehicle code or any one or more violations of this act that has caused an accident, or in a manner which indicates a wilful disregard for one's own safety or the safety of others.

(7) Operating a motor vehicle in an unsafe mechanical condition. This pertains specifically to brakes, lights, visibility of glass enclosures and windshields, steering devices and mechanical features enabling the operator to handle his car in a safe manner under all normal conditions.

(8) Driving an automotive vehicle in excess of forty (40) miles per hour on all sharp curves marked with standard highway markers.

(9) Failing to observe "school zone" signs, "stop"

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signs, and other signs or signals legally placed along or on the highways.

Acts constituting crimes.

(10) Towing a trailer which is not equipped with safety chains or hitch approved by the supervisor or an assistant supervisor, tail light or approved reflector, and which is not constructed so as to operate without wobbling.

(11) Propelling a bicycle on the public highway one (1) hour after sundown or one (1) hour before sunup which is not equipped with a white light visible under normal conditions at least two hundred (200) feet to the front and a rear light or reflex mirror exhibiting a red light to the rear.

(12) Operating motor vehicle with headlamps with greater than thirty-two (32) candle power intensity, except where sealed-beam headlights are used or on police and fire department equipment.

(13) Operating a motor vehicle without windshield wiper or rearview mirror.

(14) Permitting "wrecker cars" or other towing agencies' equipment to block the highways without first placing signs or flares at night and red flags during the day a sufficient distance, depending upon conditions, front and rear to protect oncoming traffic.

(15) Allowing parked, disabled, or stalled motor truck, bus or trailer on the highway without having flares or lanterns during the night time, and red flags in the day time, placed at a sufficient distance, depending on conditions, front and rear, to allow oncoming traffic an opportunity to stop; and not removing such motor vehicle or trailer from the highway as quickly as possible.

(16) Vehicles entering the main highways from a side road or drive must completely stop before entering said highway and right of way must be given to a vehicle traveling on the main highways.

(17) Stopping or parking on the main traveled portion of the highways.

(18) Walking on other than the left hand side of the road.

(19) Failing to drive to the right of the centerline

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at all times except when overtaking or passing a motor or other vehicle. Passing is allowed only where the driver overtaking another vehicle can see sufficient clear road to pass and return to his side of the road before endangering an approaching vehicle coming in the opposite direction.

Acts constituting crimes.

(20) Failing to observe the word, signal, or whistle of a highway patrolman. Patrolmen shall have the authority to stop, examine, and test any vehicle they see fit.

(21) Operating a motor vehicle with more than three (3) persons in the driver's seat.

(22) Operating a motor vehicle unless such vehicle is equipped with muffler in good working order and in constant operation to prevent excessive and unusual noise, and it shall be unlawful to use muffler "cut-outs."

(23) Operating a motor vehicle in all towns and municipalities on state and federal highways at a speed exceeding twenty-five (25) miles per hour.

(24) Operating a motor truck or bus without at least two flares, lanterns or bomb shells, and/or a trailer without suitable tail light or reflector.

(25) Using red or blue lights or a combination of red and blue lights on the front of any motor vehicle except police cars, sheriff's cars, emergency ambulances, wreckers or fire fighting apparatus.

(26) The use of sirens except on motor vehicles owned or operated by the highway patrol, police departments, sheriffs' forces, emergency ambulances or fire departments.

(27) Operating a vehicle on any highway under construction or undergoing repair at a speed exceeding thirty-five (35) miles per hour or failing to stop when flagged.

(28) Operating a truck, trailer or motor vehicle of a greater width than eighty (80) inches upon any state or federal highway in this state without a white, yellow or green light and reflector on each side of the body facing the front and on each side of the rear of such vehicle, a red light and reflector facing the rear.

(29) Operating a motor vehicle with headlights with the center of the lens of the headlight lower than twenty-

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Acts constituting crimes.

four (24) inches and higher than fifty (50) inches from the level surface upon which the motor vehicle stands.

(30) Failure to turn out a spotlight when approaching and meeting a vehicle.

(31) Operating a motor vehicle with more than ten per cent (10%) of the windshield and front, side and rear windows artificially obstructed in such a manner as to impair the view of the driver.

(32) Operating a motor vehicle without a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet.

(33) Refusal by any driver on the demand of an officer of the Montana highway patrol to submit to test of the lights and brakes of the motor vehicle which he is driving upon the highways of this state or to exhibit his driver's license.

(34) Driving any motor vehicle on the streets or highways of this state after the fifteenth day of February without having license plates for the current year displayed thereon.

(35) Walking, riding a horse or driving a horse or team on a highway while under the influence of intoxicating liquors.

(36) Shooting from or across the traveled part of a federal aided highway of the State of Montana.

(37) Failing to dim lights when approaching a car from either the front or the rear.

(38) Following a motor or other vehicle at a distance which is too close to be reasonable and prudent under existing conditions.

(39) Riding on the running boards or fenders of a motor vehicle.

(40) Operating a motor vehicle in a careless, thoughtless or negligent manner, which has endangered or might endanger the operator or other persons or vehicles on the highway, but which does not indicate a reckless disregard of safety either for himself or others.

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(41) Driving or operating an automobile, truck, motorcycle or any other motor vehicle upon or over any highway or street or public thoroughfare within the State of Montana, whether within or without a municipality, while under the influence of intoxicating liquor or any drug or narcotic.

Penalties.

Section 9. **Penalties—Revocation of Driver's License.** The violation of any of the provisions of the above-mentioned sections, or other provisions of the state motor vehicle laws, other than driving in a reckless manner or while under the influence of intoxicating liquor or any drug or narcotic, shall be punishable as follows:

First offense.

For the first offense the offender, in the discretion of the patrolmen, may be issued a "warning" card or be punished, on conviction, by a fine of not less than two dollars ($2.00) nor more than ten dollars ($10.00).

Second offense.

For the second offense of the above-mentioned provisions, the penalty shall be not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00).

Third and subsequent offenses.

For the third and subsequent offenses, the penalty shall be not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

On failure of payment of fines, the offender, in cases of misdemeanor, shall be imprisoned in the county jail in the county in which the offense has been committed, and said imprisonment shall be computed upon the basis of a two-dollar ($2.00) fine for each day's incarceration.

Reckless driving—penalty.

For the offense of driving in a reckless manner, the fine for the first offense shall be not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) and/or imprisonment in the county jail for a term of not less than five (5) days nor more than thirty (30) days.

Second offense.

For the second offense, the fine shall be not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) and/or imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months.

Third offense.

For the third offense, the fine shall be not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) and/or imprisonment in the state pris-

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on for a term of not less than six (6) months nor more than three (3) years.

Driving while intoxicated.

For the offense of driving while under the influence of intoxicating liquor or any drug or narcotic, the offender shall be punishable as provided by Section 1746.2 of the Revised Codes of Montana, 1935, and subject to the provisions of Chapter 129 of the session laws of Montana, 1937.

Revocation of driving license.

In addition to the above-mentioned penalties, upon conviction of a motor vehicle driver of any of the above-mentioned offenses, it shall be at the discretion of the justice of the peace or district court judge to revoke the driver's driving license for a period of not more than one (1) year.

Driving while ineligible —penalty.

Any person driving, operating or running any motor vehicle upon or over any highway, state or public thoroughfare, of the State of Montana, whether within or without a municipality during any period of time that his driver's license is suspended or revoked or while ineligible to purchase or possess a driver's license during such period of suspension or revocation, shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00), and/or imprisonment in the county jail for a term of not more than sixty (60) days.

Appeal for order of revocation.

In the event of such order of revocation, an appeal may be had to any court of competent jurisdiction for a review of the order. For the purpose of determining second or subsequent offense under the highway patrol law, the forfeiture of bail is equivalent to conviction.

Costs.

Upon conviction the court costs, or any part thereof, may also be assessed against the defendant in the discretion of the court.

Section 10. **Offenses for Which Arrest May Be Made by Patrolmen—Murder, etc.—Patrolmen When Police Officers—Forbidden to Act in Labor Disputes or Congregate to Preserve Peace in One County—Temporary Control of Traffic in Cities and Towns—Investigations of Accidents—Examination as to Ability of Person to Operate Vehicle—Inspection of Livestock.** In addition to the above duties, the highway patrol supervisor and all patrol-

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men are authorized under this act to make arrests for the following offenses committed; if committed in the presence of said supervisor or any of said patrolmen, or if committed in a rural district, upon the request of a peace officer, or if committed in a city or town of less than twenty-five hundred (2500) inhabitants, upon the request of any peace officer, or the mayor of said city or town: The crimes of murder, assault with a deadly weapon, arson, burglary, larceny, kidnapping, illegal transportation of narcotics, or violation of the Dyer act regarding the transportation of stolen automobiles. Provided, that such highway patrolmen shall have no authority and are expressly forbidden to make arrests in labor disputes or in preventing violence in connection with strikes, and shall not be permitted to perform any duties whatsoever in connection with labor disputes, strikes or boycotts, and shall not be permitted to congregate or act as a unit in one county to suppress riots or preserve the peace.

Patrolmen may make arrests for certain offenses.

Patrolmen shall be deemed police officers in making arrests in all offenses occurring on the highways and in the use of motor vehicles or the registration thereof, and for the purpose of serving warrants of arrest in connection with such violations.

Patrolmen deemed police officers, when.

The highway patrol shall have the authority to examine any person operating a motor vehicle, who is a repeated violator of traffic regulations or who appears to be mentally or physically deficient, to determine his ability to operate a motor vehicle, and if, after such examination, it reasonably appears to said examiner that said person is unsafe or unfit to operate a motor vehicle, the examiner may recommend to the justice court or district court for issuance of an order prohibiting such person from operating any motor vehicle and revoking his driver's license. A written copy of the order shall be delivered to the registrar of motor vehicles, who shall repossess such person's driver's license and refuse to sell a driver's license to such person until the receipt of instructions from the highway patrol that said order of revocation has been cancelled.

Authority to examine operator who is a repeated violator.

Revocation of license.

The patrolmen are also hereby empowered to stop any truck or motor vehicle in which livestock or livestock products are being transported and ascertain whether the driver of such truck or vehicle is rightfully in possession of such livestock or livestock products; and whenever the

Authority to stop trucks transporting livestock.

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patrolmen have good reason to believe that such livestock or livestock products have been stolen, they are empowered to take possession of the same until such livestock or livestock products can be delivered into the custody of the sheriff or until such time as the facts as to the actual ownership can be ascertained.

Driver to procure driver's license.

Section 11. **Driver to Procure Driver's License—Fees —Who Can Purchase.** Every driver of a motor vehicle, including motorcycles, shall annually procure a driver's license from the county treasurer of the county in which the applicant resides. The fee for a driver's license of a motor vehicle shall be seventy-five cents (75c), purchased annually on or before January 1, and said license shall expire on December 31 of the same year. The driver shall exhibit his driver's license to any patrolmen at the patrolman's request.

Who can purchase.

It shall be unlawful, and is hereby prohibited for any blind person to purchase a driver's license or drive a motor vehicle in the State of Montana. It shall be unlawful, and is hereby prohibited, for any person under the age of fifteen (15) years, any person who is addicted to the use of drugs, any habitual drunkard, or person otherwise physically handicapped, to purchase a driver's license or drive a motor vehicle in the State of Montana, without first securing written permission from the state highway patrol supervisor or assistant supervisor. Driver's licenses sold without such written permission shall be subject to revocation by the registrar of motor vehicles, and any such driver must surrender his license to any patrolman in the state upon service of a written order from the registrar.

Penalty.

Any person violating any of the provisions of Sections 10 and 11 of this act shall be deemed guilty of a misdemeanor and upon conviction, punishable by a fine of not more than fifty dollars ($50.00) or imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Duty of patrolman upon making an arrest.

Section 12. **Duty of Patrolman Upon Making an Arrest—Power to Fix and Accept Bail—Fees of Justices of Peace.** Patrolmen, upon making an arrest, shall either deliver the offender to the nearest justice of the peace during office hours, or to the county jail, or in lieu thereof, deliver to the offender a form of summons describing the nature of the offense with instructions thereon for the

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offender to report to the nearest justice of the peace, or in lieu of reporting to the nearest justice of the peace, the patrolman has the right to set and accept a deposit for appearance justifiable for the offense charged. In the event the patrolman sets and accepts bail, he shall give a signed receipt to the offender setting forth the amount received. The patrolman shall then deliver the bail money to the justice of the peace before whom the offender is to appear, and the justice of the peace shall give a receipt to the patrolman for the amount of bail money delivered. After filing of the complaint and appearance of the defendant, the justice of the peace shall assume jurisdiction and may set, fix and accept further appearance bail bond.

Power to fix and accept bail.

For the purpose of this act only, the fees of justices of the peace in all offenses in which the statutory fine is five dollars ($5.00) or less, shall be one dollar ($1.00), but if the statutory fine is in excess of five dollars ($5.00), the justices of the peace shall be permitted the fee now prescribed by law; provided that no additional fees shall be paid justices of the peace where salaries are fixed by law.

Fees of justices of the peace.

Section 13. **Disposition of Moneys.** The state treasurer shall deposit to the credit of the state general fund all moneys received by him from the collection of motor vehicle driver's license fees under Section 11.

Disposition of moneys.

Section 14. **Fees—Fines and Forfeitures.** All fees, fines and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of this act and the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the state treasurer of Montana and by him credited to the general fund of the state; and at the time of payment of any such fee, fine or forfeiture there shall be filed with the state treasurer a complete statement showing the total of the fees, fines or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed to by the person or officer making such payments.

Fees, fines and forfeitures collected.

Statement to be filed.

Section 15. **Court Costs—Fees and Expenses of Counties.** The court, after deducting all costs and fees, shall immediately transmit the balance of said fine to the state treasurer as provided by law. The expenses of the county, except fees of officers who are paid a regular salary, shall constitute a proper claim against the State of Montana and

Court costs.

Expenses of counties.

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said claim or claims shall be paid in the manner provided by law out of the funds appropriated for such purposes.

Reports.

Section 16. **Reports.** Justices of the peace and county treasurers shall furnish to the highway patrol statements of all fees, fines and forfeitures and records of cases which involve the state highway patrol as the board may request.

Repealing clause.

Section 17. That Sections 1741.2, 1741.3, 1741.4, 1741.5, 1741.6, 1741.7, 1741.8, 1741.9, 1741.10, 1741.11 and 1741.13 of the Revised Codes of Montana, 1935; Chapters 62 and 182 of the Session Laws of Montana, 1937; Chapters 198 and 211 of the Session Laws of Montana, 1939; Chapter 148 of the Session Laws of Montana, 1941; and Section 1741.12 of the Revised Codes of Montana, 1935, as amended by Section 5 of Chapter 14 of the Session Laws of Montana 1941, be, and the same are hereby repealed.

Repealing clause.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 19. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1943.

CHAPTER 200

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 5 of Article XI of the Constitution of the State of Montana, Relating to the Apportionment of Income From Public School Funds to the Several School Districts of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sec. 5 of Art. XI of constitution to be submitted to electors.

Section 1. That Section 5 of Article XI of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1944.

Section 2. That Section 5 of Article XI of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

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"Section 5. Ninety-five per centum (95%) of all the interest received on the school funds of the state, and ninety-five per centum (95%) of all rents received from the leasing of school lands and of all other income from the public school funds shall be apportioned annually to the several school districts *in such manner and at such time or times as may be provided by law;* the remaining five per centum (5%) of all the interest received on the school funds of the state, and the remaining five per centum (5%) of all the rents received from the leasing of school lands and of all other income from the public school funds, shall annually be added to the public school funds of the state and become and forever remain an inseparable and inviolable part thereof."

Apportionment of income from the public school funds of the state.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided for by Section 678, Revised Codes of Montana, 1935, as amended by Chapter 81, Session Laws 1939, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

The ballot.

☐ For the above amendment.

☐ Against the above amendment.

The elector shall designate his preference for either of the propositions by making an X before the proposition for which he desires to vote.

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed, and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Canvass of votes.

Amendment effective, when.

Section 5. This act shall be in full force and effect from and after its passage.

Effective date of act.

Approved March 5, 1943.

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CHAPTER 201

An Act to Amend Section 1034, Revised Codes of Montana, 1935, All Relating to the Consolidation of School Districts and the Annexing of a Third Class District to a First or Second Class Adjacent District and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1034, Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

Consolidated districts.

"1034. **Consolidated Districts—Procedure in Event of Consolidation—Bonded Debts.** Two or more *adjacent* school districts *lying in one county* may be consolidated, either by the formation of a new district, or by the annexation of one or more districts to an existing district, as hereinafter provided.

Procedure in event of consolidation.

"When severally the boards of trustees of two (2) or more school districts, in regular meeting called for the publicly announced purpose of considering plans for consolidation of said two (2) or more districts and by majority vote of each board of trustees acting separately shall ask for district consolidation of each and all such petitioning boards, the county superintendent of schools having jurisdiction of such districts, within not less than twenty (20) nor more than thirty (30) days, shall effect the consolidation of such districts into one district and designate the number of such newly created district unless a petition is filed as hereinafter provided seeking election on such issue in which case the consolidation shall not be effected until ten (10) days after a favorable vote on the issue.

Petition for vote of electors.

"Within twenty (20) days after the vote of the last of the boards of trustees favoring district consolidation should there be dissatisfaction of the electors of any one or more of the districts involved, there shall be the right of petition for a vote of electors on such issue in the district or districts where dissatisfaction exists. Each petition shall be directed to and received by the county superintendent of schools and shall in each such district seeking election on the issue be signed by not fewer than twenty (20%) per cent of the qualified electors in such district to merit consideration. Within ten (10) days following the filing

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of such petition or petitions, the county superintendent of schools shall cause a ten (10) days' posted notice to be given by the clerk in each district, *seeking such election,* such notice to be posted in three (3) public places, in each *such* district, of an election in such district at a time and place *or places* specified in each notice to vote on the question of consolidation.

Notice of election.

"The votes at such election shall be by ballot, which shall read 'For consolidation' or 'Against consolidation'. The presiding officer at such election shall, within ten (10) days thereafter, certify the result of the vote to the county superintendent of the county in which the district lies.

The ballot.

"If the majority of the votes cast in each district *holding such election* be for consolidation, it carries, and the superintendent, within ten (10) days thereafter, shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the county clerk and recorder and to the clerk of each district affected. If the order be for the formation of a new district, it shall specify the name and number of such district, and *the county superintendent* shall appoint three (3) trustees to serve until the first Saturday in April succeeding.

Duty of county superintendent.

"At the regular election succeeding there shall be elected by the regularly qualified electors three (3) trustees, one of whom shall serve for one year, one for two (2) years, and one for three (3) years. The election of trustees and terms shall be the same as for other districts under the general school laws.

Trustees to be elected.

"When, in the interest of reducing cost of operation or improving the school service for pupils, a board of trustees, of a third class district, shall by majority vote of its members ask the county superintendent of schools to annex the territory and property of such third class district to an adjacent second or first class district, the county superintendent shall, upon an approving vote of the trustees of the district with which annexation is sought, authorize such annexation within not less than twenty (20) nor more than thirty (30) days following the final vote of the trustees that makes this consolidation possible unless a petition be filed seeking election on such issue in which case consolidation shall not be effected until ten (10) days after a favorable vote on the issue. The same right of petition by electors for a vote on the issue of annexation and

Annexation of third class district to an adjacent second or first class district.

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the same general plan for balloting shall be utilized on the question of district annexation by the electors of the petitioning district or districts as the case may be that is hereby authorized for district consolidation. The ballot shall in this case be 'For annexation' and 'Against annexation.' Should the action of the boards of trustees approving the plan of annexation be approved by majority vote of electors of the district or districts seeking election on the issue then the consolidation sought shall be effected by the county superintendent of schools within ten (10) days after such election. In the event of a disapproving vote by majority of votes cast by either of such voting districts, the proposed annexation shall fail.

"In case of annexation of any district or districts to any existing district, as herein provided, the proper officers of the annexed districts, within ten (10) days from the receipt of a copy of such order, shall turn over to the proper officers of the district to which they are annexed, all records, funds, and effects of such annexed district. In case of the formation of a new district, the proper officers of the discontinued districts in like manner, within ten (10) days after the organization of the new district, shall turn over the records, funds, and effects of such old districts to the proper officers of the new districts.

Duty of officers of annexed or discontinued districts.

Title to property.

"In case of consolidation of districts by annexation, the title to school houses and sites of the separate districts shall vest in the new consolidated district. *The officers of the first or second class district involved shall continue to hold office under the consolidated district until the end of the terms for which they were duly elected and their successors shall be regularly elected as provided by law.*

Officers.

"Consolidated school districts shall be governed by the general school laws of the state.

Assumption of bonded indebtedness.

"Bonded indebtedness of any districts merged by consolidation *or annexation* shall be assumed by the consolidated district *or the district to which another is annexed.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1943.

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CHAPTER 202

An Act to Amend Sections 4563, 4565, and 4567 Revised Codes of Montana, 1935, Relating to County Free Libraries.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4563 Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"4563. **Proceedings to Establish County Library.** *By petitions* signed by not less than *ten per centum (10%)* of the resident taxpayers whose names appear upon the last *completed* assessment roll of the county, at least half of whom shall reside outside of the county seat, being filed with *the* board of county commissioners, requesting the establishment of a county free library, the county commissioners of *such* county shall appoint a meeting for a public hearing, and may in their discretion, by resolution, establish at the county seat a county free library, as provided in this act. For four successive weeks prior to taking such action, the board of county commissioners shall publish, in each issue of a newspaper of general circulation in such county, notice of such contemplated action, giving therein the date and place of the meeting for a public hearing at which such action is proposed to be taken."

Procedure to establish county library.

Section 2. That Section 4565 Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"4565. **County Librarian—Appointment and Removal —Qualifications.** Upon the establishment of a county free library, the board of county commissioners may appoint a county librarian, who may be removed for cause after *a* hearing by said board. *In counties of the first, second, third, fourth, and fifth classes, no person shall be eligible to the office of county librarian except a* person who is graduate of a library school, or has had two years practical experience in a library of not less than three thousand volumes, provided that after the creation and organization of a state board of library examiners no person shall be eligible to the office of county librarian *in*

Appointment of county librarian.

Qualifications.

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counties of such class, unless, prior to his appointment, he has received from said board of library examiners a certificate of qualification for the office. *Upon the establishment of a county free library in any county of the sixth or seventh class, if no experienced librarian is available, the county superintendent of such county* **may be the** *librarian, and may, with the permission of the county commissioners, appoint an assistant or assistants at a salary or salaries to be fixed by the board of county commissioners.*"

In counties of 6th and 7th classes.

Section 3. That Section 4567 Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

"4567. **Duties and Compensation of Librarian.** The county librarian shall, subject to the general *rules* adopted by the board of county commissioners, build up and manage, according to the accepted principles of library management, a library for the use of the people of the county, shall establish branches and stations throughout the county, shall determine what books, *periodicals* and other *publications and* equipment shall be purchased. The library building shall be under the general supervision and care of the county librarian. The county librarian shall be allowed actual and necessary traveling expenses incurred in the business of the office, *the maximum amount which may be expended for such purposes in any year to be fixed by the board of county commissioners. In counties of the first, second, third, fourth, and fifth classes the compensation of the county librarian shall be fixed by the board of county commissioners.*"

Duties and compensation of librarian.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect on and after July 1, 1943.

Effective date.

Approved March 5, 1943.

CHAPTER 203

An Act to Amend Section 1013, Revised Codes of Montana, 1935, as Amended by Chapter 217 of the Session Laws

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of the State of Montana, 1939, Relating to Attendance of Elementary School Children Outside of the District of Their Residence and Providing for the Transfer of Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1013 Revised Codes of Montana, 1935, as amended by Chapter 217 of the Session Laws of the State of Montana 1939, be, and the same is hereby amended to read as follows:

"1013. **Transfer of** *Funds.* Children may attend public elementary schools in districts in the county outside of the district in which they reside, or in a district in an adjoining county, or in a district in a county in another state when the district in such other state adjoins the district in which they reside, *or is situated in a county in such other state, which county adjoins the State of Montana,* when written permission is secured from the board of trustees of the district in which they are to attend school and when written permission has been given by the county superintendent of schools of the county in which the children reside. *Permission must be granted for such attendance in another district within or without the county of such children's residence when the following conditions exist:*

Transfer of funds.

Conditions requisite for permission for child's attendance in another district or county.

"1. *When a child lives less than three (3) miles from a public elementary school in another district or county and three (3) or more miles from a public elementary school in the district or county of his own residence.*

"2. *When a child resides more than three (3) miles distance from a public elementary school within his own district or county and no transportation is furnished by the home district or county to such school.*

"3. *When regular bus transportation is furnished by a public elementary school in another district or county and his own district or county does not furnish transportation.*

"Such distances mentioned above shall be measured from the point where the private family dwelling house is situated to the school house by the shortest traveled route.

"For the purpose of determining the residence of such

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child the place where the father resides and earns the major portion of the living for his family, shall be used.

"4. *When a family has children who must attend high school outside of its own district or county and such family also has elementary school children who can more conveniently attend the elementary grades in the same district where the high school is located, provided such elementary children live more than three (3) miles from the home school or that a parent must move to town to provide high school education for his children.*

"5. *When the county superintendent of schools of the county where the child resides, for any other reason than stated above shall approve the attendance of any child in a public elementary school in another county. In approving such attendance in another district or county the county superintendent shall take into consideration such items as distance to school, road conditions, trading center of parents, opportunity to live with relatives, dormitory facilities, living conditions, transportation and type of educational program.*

Cost to be paid by district of residence.

"*When approval of attendance in another district within or without the county has been granted, the district in which such child resides shall pay to the school district where such child attends, the actual cost of educating a child in the school attended. Such actual cost to be determined by finding the average cost per child for the preceding year for maintaining the public elementary school to be attended.*

To be included in budget.

"*It is hereby made the duty of the board of school budget supervisors in preparing the budgets to include therein an item to care for the payment of such cost of educating such children and the county superintendent in preparing the budget forms shall include an item to take care of such cost, providing also that no application for a permit to attend school in a district other than the district wherein a pupil resides shall be approved or granted after the budget for the school year has been approved.*

Determination of eligibility of pupils transferring.

"*It shall be the responsibility of the superintendent of schools and the board of trustees of the public elementary school receiving the pupils and the county superintendent of schools of the county of the pupils' residence to determine and agree upon eligibility of pupils transferring under the provisions of this act. Provided however that an*

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appeal may be taken to the state superintendent of public instruction.

"All such permits shall expire at the end of the school year. When any child is given such written permission as herein provided to attend school in any school district, *or county, other than that of the child's residence,* the county superintendent *of the county of the child's residence,* shall immediately after giving such written permission, give the county treasurer written notice thereof, in which shall be stated the name of the child to whom such permission is given, the district in which the child resides and the district in which such child is to attend school under such permission, and the county treasurer shall transfer to the district in which such child is attending school under such permission all moneys due *such district.*"

Transfer of moneys to school attended.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1943.

CHAPTER 204

An Act to Amend Sections 1 and 4 (a) of Chapter 161 of the Laws of 1939, as Amended by Chapter 123 of the Laws of 1941, Relating to the Composition of the Montana Armory Board and Its Powers and Duties; Providing for Examinations by the State Examiner and Making Reports to the State Board of Examiners and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 161 of the laws of 1939, as amended by Chapter 123 of the laws of 1941, be, and the same is hereby amended to read as follows:

"Section 1. For the purposes herein provided there is created the Montana armory board, to consist of *five* members *one of whom shall be the state accountant, one the state purchasing agent and the other three shall be appointed by the governor.* Any vacancy in *the* Montana armory board shall be filled by appointment by the governor. *The Montana armory board may, subject to*

Montana armory board created.

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Employees.

the approval of the board of examiners, employ supervisors, caretakers and such other employees as may be necessary to properly manage and care for Armory buildings owned by said Montana armory board."

Section 2. That Section 4 (a) of Chapter 161 of the laws of 1939, as amended by Chapter 123 of the laws of 1941, be, and the same is hereby amended to read as follows:

Powers of board.

"Section 4. The Montana armory board shall possess all the powers as a body corporate necessary and convenient to accomplish the objects and purposes prescribed by this act, including the following, which, however, shall not be construed as a limitation upon the general powers hereby conferred:

Contracts —limitations.

"(a) To enter into contracts and be contracted with in any matter connected with any corporate purpose, herein defined, *providing, however, that the Montana armory board shall comply with Section 259.1 to Section 259.2 of the Revised Codes of Montana, 1935, relating to the making of contracts and all such contracts shall be approved by the state board of examiners. It shall be the duty of the state examiner to examine all transactions, records, proceedings and operations of the armory board once a year and report the result of his examination to the state board of examiners. Provided, however, that neither the Montana armory board nor the board of examiners shall have power to obligate the State of Montana in any manner for or in connection with or on account of any bonds or other obligations heretofore issued by said Montana Armory board and nothing contained in this act shall in any manner be construed as an assumption by the State of Montana of any liability whatsoever for or on account of any such bonds or obligations."*

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1943.

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CHAPTER 205

An Act to Amend Section 990 of the Revised Codes of Montana of 1935, Relating to the Election of Trustees in School Districts of the First Class, Providing for the Nomination of candidates and Providing That If There Be Only One Candidate for Each Term to Be Filled, No Election Need Be Held and Providing for the Issuance of a Certificate of Election by the Board of Canvassers of Such School District.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 990 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 990. **Election in Districts of First Class—Nominations and Conduct of Elections.** In districts of the first class, no person shall be voted for or elected as trustees unless he has been nominated therefor at a bona fide public meeting, held in the district *not more than sixty (60) days nor less than forty (40) days* before the day of election, and at which at least twenty (20) qualified electors were present, and a chairman and secretary were elected, and a certificate of such nomination, setting forth the place where the meeting was held, giving the names of the candidates in full, and if there are different terms to be filled, the term for which such candidate was nominated, duly certified by the chairman and secretary of such meeting, shall be filed with the district clerk at least eight (8) days before the day of the election. The nomination and election of any person shall be void, unless he was nominated at a meeting as above provided at which at least twenty (20) qualified electors were present, and his nomination certified and filed as aforesaid, and the board of trustees acting as a canvassing board shall not count any votes cast for any person, unless he has been so nominated and a certificate thereof filed as herein required. *In the event there be held only one (1) such public meeting, and only one (1) candidate be nominated for each term to be filled then and in that event no election need be held and the clerk of such district shall certify such facts to the board of trustees of the district, acting as a board of canvassers who shall thereupon certify the election of such persons to the county superintendent of schools.*"

Elections in districts of the first class.

Nominations and conduct of election.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1943.

CHAPTER 206

An Act Empowering Boards of County Commissioners to License the Possession of Sheep in the County and to Conduct a Predatory Animal Control Program for Sheep Protection, and Fixing the Limit of Annual License Fees, and Making Disposition of Funds Derived From Licenses and the Sale of Furs and Skins Recovered Hereunder.

Be it enacted by the Legislative Assembly of the State of Montana:

County commissioners authorized to conduct predatory animal control program for protection of sheep.

Section 1. For the protection of sheep against depredations peculiar to such animals, the board of county commissioners of any county shall upon the recommendation of organized associations of sheep growers in the county have power, either alone or in conjunction with other counties, to conduct a predatory animal control program for the protection of sheep in such county or counties.

Per capita license fee on sheep.

Section 2. To defray the expense of such protection, the board of county commissioners of any county shall have the power to require all owners or persons in possession of any sheep, one year old or over, in the county on the first Monday of June in each year to secure a license and pay a license fee of not exceeding five cents (5c) per head of sheep so owned or possessed by him in the county. Upon the order of the board of county commissioners such license fees may be imposed by the entry thereof in the name of the licensee upon the property tax rolls of the county by the county assessor or the county clerk and recorder and shall be payable to and collected by the county treasurer as and when county personal property taxes are by law payable and collected, and when so levied shall be a lien upon the property of the licensee enforcible under the laws provided for the collection of taxes on personal property, and when collected said fees shall be placed by the treasurer in the predatory animal control fund, and the moneys in said fund shall be expended on order of the

Predatory animal control fund.

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board of county commissioners of the county for predatory animal control only.

Section 3. All furs, skins and so forth taken by the expenditure of license funds shall be sold and the proceeds of such sale deposited in said predatory animal control fund for the use in carrying out the purpose of this act.

Proceeds of furs and skins taken, how used.

Section 4. In conducting a predatory animal control program, the board of county commissioners shall give preference to recommendations made by organized associations of sheep growers in the county. Upon petition of the owners of at least fifty-one (51%) per centum of the sheep in the county as shown by the assessment rolls of the last assessment, filed with the board of county commissioners on or before the first day of May in any year, such board shall cause said licenses to be secured and the fees collected for such year in such amount (not exceeding the limits in this act provided) as will defray the cost of administering the provisions of this act in such year.

Duty of county commissioners.

Section 5. This act shall be effective on and after the first day of May following its passage and approval.

Effective date.

Approved March 5, 1943.

CHAPTER 207

An Act to Empower, in Certain Cases, Irrigation District Boards of Commissioners and County Commissioners to Enter Into Agreements for the Partitioning of the Respective Interests of Irrigation District and County in Lands to Which the County Has Taken Tax Deed, and to Make Necessary Conveyances and Assignments to Effect Such Partitioning of Interest and to Empower the Board of Commissioners of Irrigation Districts, in Certain Cases, to Sell and Dispose of the Assets of the District or Transfer Same to Creditors in Payment of Indebtedness.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In any case where an irrigation district, established under the law of this state, has incurred a bonded indebtedness or other indebtedness; but has not

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constructed or purchased any irrigation plant or system for the irrigation of land in the district, and, more than ten (10) years have expired since the date of the creation of the irrigation district, the board of commissioners of such irrigation district and also the board of county commissioners of the county in which the lands of the district or any part thereof are situated, shall have power to enter into an agreement, on behalf of such irrigation district and such county, for the partitioning of the respective interests of the irrigation district and the county in lands to which the county has taken tax deed, and to make all necessary conveyances and assignments to carry out such agreement in such manner that the respective interests of the county and the irrigation district shall be fully segregated and thereafter separately owned and controlled; and the board of commissioners of such irrigation district shall have power to sell and convey such lands and interests so acquired by the irrigation district, or any part thereof, and any other property or assets, which such irrigation district may hold, at either public or private sale, or transfer such lands, or interests in lands, or other assets to creditors of the district in payment of the indebtedness of such irrigation district, upon such terms as shall, in the judgment of the board of irrigation district commissioners, be deemed most advantageous to the irrigation district. The board of commissioners of such irrigation district and the board of county commissioners of the county in which the lands of such irrigation district or any part thereof are situated, shall be and they are hereby authorized and empowered to do any and all things necessary to carry out the provisions and intentions of this act, the purpose of which is to enable such irrigation district to dispose of its assets in settlement of its liabilities and to be dissolved.

Partitioning of interest in tax deed lands included in certain irrigation districts.

Conveyances.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1943.

CHAPTER 208

An Act Defining the Exceptional Child; Providing for the

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Preparation of Courses of Instruction in the Discovery and Teaching of the Exceptional Child for In-training and for In-service Teachers; for the Appointing of a Supervisor of the Education of the Exceptional Child and for Defining the Duties of the Said Supervisor; Providing for the Appointment of an Advisory Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That within the meaning of this act an exceptional child is one requiring special facilities or instruction because of physical, mental, emotional or moral deviation from the average.

"Exceptional child" defined.

Section 2. The state superintendent of public instruction, with the approval of the state board of education, shall prepare courses of instruction in the discovery and education of the exceptional child.

Courses of instruction.

Section 3. The state superintendent of public instruction shall provide necessary and adequate supervision for the purpose of carrying out this act and shall appoint a supervisor who shall be a graduate of a four (4) year accredited institution of higher learning with a master's degree representing at least one (1) year of post graduate training in the field of exceptional child care, guidance, and testing, and in addition, two years experience in the same.

Supervisor —qualifications of.

Section 4. The duties of the supervisor shall be to discover the exceptional child throughout the state by observation, examination, and by intelligence, emotional, and achievement tests, and such other methods as are deemed necessary and expedient by him, and to administer an educational program for the exceptional child and to supervise subjects and methods to be used in the classrooms and schools insofar as they affect the exceptional child, and provided, however, that the provisions of this act shall not be mandatory upon any school or school district.

Duties of supervisor.

And for the purpose of properly educating and caring for such children, the supervisor shall see that the courses of instruction mentioned in Section 2 be available for all teachers in training and in service. He may recommend ungraded classrooms in schools. He may hold conferences, cooperate, advise, and investigate with school superintendents, principals, school faculties, individual teachers,

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parents, school boards, and other interested groups and persons. He may suggest physical examinations and perform other duties within the limits of this act not specified but directed by the state board of education or by the state superintendent of public instruction.

Volunteer board of specialists.

Section 5. The state superintendent of public instruction may appoint a volunteer board of various exceptional child specialists to whom the supervisor shall from time to time, as directed by the state superintendent of public instruction, give a report and from whom he may receive counsel.

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1943.

CHAPTER 209

An Act Declaring and Authorizing and Directing the State Board of Examiners to Enter into Leases and/or Leases With the Option of Purchase, Lands for the Use of the Montana State Hospital and State Penitentiary for the Production of Crops and Grazing, Upon Such Terms and Conditions as Such Board Determines to Be for the Best Interest of the State; Appropriating Necessary Moneys to Accomplish Said Purposes; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Emergency condition declared.

Section 1. There is a serious emergency condition confronting the people of Montana in connection with the Montana state hospital at Warm Springs and the state penitentiary at Deer Lodge, in that said institutions do not have or control any good farm lands from which said institutions may produce food crops for the use of said institutions.

State board of examiners authorized to enter into leases or option to purchase lands.

Section 2. The state board of examiners is hereby authorized and directed to enter into leases for, and or leases with the option to purchase, such lands as the board may select and upon such terms and conditions as said board may determine to be for the best interest of the state.

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Section 3. There is hereby appropriated from the general fund of the State of Montana the sum of seventeen thousand dollars ($17,000.00), or so much thereof as is necessary for the purpose and purposes set forth in Section 2 of this act. Appropriation.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1943.

CHAPTER 210

An Act to Amend Section 73, Revised Codes of Montana of 1935, Relating to Payment of Employees and Attaches of the Legislative Assembly at the Close and Subsequent to the Close of Each Session of the Legislative Assembly, and Providing for Such Payment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 73 of the Revised Codes of Montana, 1935, shall be, and the same hereby is amended to read as follows:

"Section 73. **Duties** *and Pay of Employees and Attaches* **at Close of Session** *and Subsequent to Close of Session. The secretary of the senate, the sergeant-at-arms of the senate, the clerk of the house of representatives and the sergeant-at-arms of the house of representatives, and such other and additional employees and attaches of the senate and house, respectively, as may be certified by separate resolution adopted by each body, duly authenticated by the presiding officer of each body and by the secretary or clerk, respectively, shall be paid for such period of time and at such rates of payment, and for such services as may be assigned and prescribed for such officers and personnel at the close, and subsequent to the close of each legislative session, as shall be set forth in said respective resolutions. Said payments shall be made out of any funds remaining unexpended at the close of each session for legislative expenses.* Duties and pay of employees and attaches at close and subsequent to close of session of legislative assembly.

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"In addition to other duties prescribed by such resolutions, the secretary of the senate and the clerk of the house of representatives, at the close of each session of the legislative assembly, must mark, label, and arrange all bills and papers belonging to the archives of their respective houses, and deliver them, together with all the books of both houses, to the secretary of state, who must certify to the reception of the same."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval, as of March 4th, 1943.

Approved March 6, 1943.

CHAPTER 211

An Act to Amend Section 1, Chapter 163, of the Laws of 1941 Relating to Licenses Within Five Miles of Incorporated Cities and Incorporated Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1, Chapter 163, of the laws of 1941, be amended to read as follows:

License fees.

"Section 1. Each licensee licensed under the provisions of this act shall pay an annual license fee as follows:

Licenses outside incorporated cities and towns or in such cities and towns having population of less than 2,000.

"(a) Except as hereinafter provided, for each license outside of *incorporated* cities and *incorporated* towns, or in *incorporated* cities and *incorporated* towns with a population of less than two thousand (2,000), two hundred dollars ($200.00) per annum;

In cities of 2000 to 5000, or within 5 miles thereof, $300.

"(b) Except as hereinafter provided, for each license in *incorporated* cities with a poulation of more than two thousand (2,000) and less than five thousand (5,000), three hundred dollars ($300.00) per annum; or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, three hundred dollars ($300.00) per annum;

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"(c) Except as hereinafter provided, for each license in *incorporated* cities with a population of more than five thousand (5,000) and less than ten thousand (10,000), or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, four hundred fifty dollars ($450.00) per annum;

In cities of 5,000 to 10,000 or within 5 miles thereof, $450.

"(d) For each license in *incorporated* cities with a population of ten thousand (10,000) or more, or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, six hundred dollars ($600.00) per annum;

In cities of 10,000 or more or within 5 miles thereof, $600.

"(e) For each railway system in the State of Montana, three hundred dollars ($300.00) per annum;

For railway system, $300.

"(f) The distance of five (5) miles from the corporate limits of any *incorporated* cities and *incorporated* towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; and where the premises of the applicant to be licensed are situated within five (5) miles of the corporate boundaries of two (2) or more incorporated cities or *incorporated* towns of different populations the license chargeable by the larger incorporated city or *incorporated* town shall apply and be paid by the applicant; *provided, however, that when the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of said incorporated town or incorporated city be without said five (5) mile limit then the license fee chargeable by the smaller incorporated town or incorporated city shall apply and be paid by said applicant.*

Distance from corporate limits—how measured.

"(g) For each fraternal organization or club, one hundred dollars ($100.00) per annum, provided, however, that the term "fraternal organization" as here used, shall include only those lodges and associations having a known and defined existence; and provided, however, that the term "club" as here used, shall mean an association of persons for the promotion of some common object other than the sale of liquor, with a permanent membership into which admission cannot be obtained by any person at his pleasure and which is primarily operated for the benefit of its members and not for the gain or profit of its op-

For fraternal organization or club, $100.

"Fraternal organization" and "club" —defined.

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erators; and provided, further, that it shall be unlawful for any fraternal organization or club to sell or serve liquor to the public as a commercial business and the board may at any time require such fraternal organization or club to furnish evidence of its bona fide existence and may refuse or suspend a license if it is found that such applicant or licensee does not conform or is not conforming to this act.

Fees are exclusive of other fees.

"The license fees herein provided for are exclusive of and in addition to other license fees chargeable in the State of Montana for the sale of liquor, beer and malt beverages.

Population, how determined.

"The census taken under the direction of congress of the United States in the year nineteen hundred and thirty, and every ten years thereafter, shall be the basis upon which the respective populations of said municipalities shall be determined, unless a direct enumeration of the inhabitants thereof be made by the state or municipal corporation, in which case such later direct enumeration shall constitute such basis, provided, however, that no census hereafter taken shall be such basis until it shall have been published under the authority under which the same shall be taken, and then its effect shall from the date of such publication be prospective only and provided, further, that none of the provisions of this act shall be deemed to operate retroactively."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1943.

CHAPTER 212

An Act Creating a Committee of Five (5) for the Purpose of Investigating and Making Recommendation Relative to the Use of State Owned Land; Providing for the Membership of Said Committee; and Providing for the Filing of a Report With the Governor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a committee be appointed for the pur-

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pose of making a study of state owned agricultural and grazing lands, said committee to be composed of 5 members to be appointed by the governor: one member from each of the following to be appointed by the governor from two names submitted by the Montana stockgrowers association; Montana woolgrowers association; Montana grass conservation commission; and one member of the state board of education; and the commissioner of agriculture, labor and industry. The governor to designate the chairman of said committee.

Governor to appoint committee to study state owned lands.

Membership of committee.

Section 2. Said committee shall make a careful study of state owned land concerning the management, carrying capacity, rental values and grazing policy. It shall be the duty of said committee to commence its duties not later than July 1st, 1943. Said committee shall make written report and recommendations to the governor of the state not later than the fifteenth day of November, 1944. Copies of this report shall be furnished members of the twenty-ninth legislative assembly not later than December 10, 1944.

Duties to commence duties, when.

Report.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 6, 1943.

CHAPTER 213

An Act to Amend Certain Sections of Chapter 82 of the 1937 Session Laws, Being the Public Welfare Act of the State of Montana, and Also Amending Certain Sections of Chapter 129 of the 1939 Session Laws, and Certain Sections of Chapter 117 of the 1941 Session Laws Amendatory Thereof as Follows: Section IV of Part III of Chapter 82 of the 1937 Session Laws; Section X of Part III of Chapter 82 of the 1937 Session Laws; Section IV of Part IV of Chapter 82 of the 1937 Session Laws; Subsection (c) of Section III of Part V of Chapter 82 of the 1937 Session Laws; Section V of Part V of Chapter 82 of the 1937 Session Laws; Section XI of Part V of Chapter 82 of the 1937 Session Laws; Section 17 of Chapter 129 of the 1939 Session Laws; Section 8 of Chapter 117 of the 1941 Session Laws; Repealing Subsection (g) of Section II of Part III of Chapter 82 of

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the 1937 Session Laws; Subsections (d) and (e) of Section III of Part IV; and Subsection (g) of Section III of Part V of Chapter 82 of the 1937 Session Laws; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section IV of Part III of Chapter 82 of the 1937 Session Laws, be amended to read as follows:

Application for assistance.

"Section IV. **Application for Assistance.** Application for assistance under this act shall be made by the person seeking such assistance to the county office of the county department in the county in which the person is a resident, or is establishing residence. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state department. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and such other information as may be required by the state department. An inmate of a public institution may make an application while in such a home or institution, but the assistance, if granted, shall not be paid until after he ceases to be such an inmate. Assistance shall be granted on official approval of the application."

Section 2. That Section X of Part III of Chapter 82 of the 1937 Session Laws be amended to read as follows:

Periodic review of assistance grants.

"Section X. **Periodic Review of Assistance Grants.** All old age assistance grants made under this act shall be reviewed and reconsidered by the county department *as frequently as may be required by the rules and regulations of the state department.* After such further investigation as the county board may deem necessary or the state board may require, the amount and manner of giving the assistance may be changed or the assistance may be withdrawn if such authority finds that the recipient's circumstances have changed sufficiently to warrant such action. It shall be within the power of the county board at any time to cancel and revoke assistance for cause, and it may for cause suspend payments for assistance for such periods as it may deem proper, subject to review or final approval by the state department."

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Section 3. That Section IV of Part IV of Chapter 82 of the 1937 Session Laws be amended to read as follows:

"Section IV. **Application for Assistance.** Application for assistance under this part shall be made to the county department of the county in which the dependent child resides or shall reside. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state department. Such application shall be made by the *relative with whom the child is living or will live* and shall contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the state department. One application may be made for several children of the same family if they reside with the same person." Application for assistance.

Section 4. That Subsection (c) of Section III of Part V of Chapter 82 of the 1937 Session Laws be amended to read as follows:

"(c) Is not receiving old age assistance for himself/or herself."

Section 5. That Section V of Part V of Chapter 82 of the 1937 Session Laws be amended to read as follows:

"Section V. **Application for Assistance.** Application for assistance under this part shall be made by the person seeking such assistance to the county office of the county department in the county in which the person is a resident, or is establishing residence. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state department. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and such other information as may be required by the state department. An inmate of a public institution may make an application while in such home or institution, but the assistance, if granted, shall not be paid until after he ceases to be such an inmate. The application form may be filled in and written by a person authorized by the county department. If the applicant is unable to sign his/her name on the application a duly witnessed mark may be used." Application for assistance.

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Section 6. That Section XI of Part V of Chapter 82 of the 1937 Session Laws be amended to read as follows:

"Section XI. **Change of Residence of Person Receiving Aid to Blind.** Any person qualified for and receiving assistance hereunder in any county in this state who removes to another county in the state shall be entitled to receive assistance under the provisions of this part after a six (6) months residence in the county to which such person has removed, and the county of first residence of such person shall continue his assistance for six (6) months and until the aforesaid residence has been established by him in the second county."

Change of residence of person receiving aid to blind.

Section 7. That Section 17 of Chapter 129 of the 1939 Session Laws be amended to read as follows:

"Section 17. That Subsection (a) of Section 1 of Part IV of the public welfare act, be, and it is hereby amended to read as follows:

"(a) The terms 'dependent child' means a child under the age of *eighteen (18)* who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their own home."

"Dependent child" defined.

Section 8. That Section 8 of Chapter 117 of the 1941 Session Laws be amended to read as follows:

"Section 8. That Section IV of Part V of Chapter 82, Session Laws 1937, be, and it is hereby amended to read as follows:

"Section IV. **Amount of Assistance.** The amount of assistance granted any blind person shall, subject to the regulations and standards of the state department, be determined by the county department with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. The state department may, however, authorize grants or supple-

Amount of assistance.

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mentary grants from state funds to be used in supplementary services such as the prevention or treatment of blindness."

Repealing clause.

Section 9. That Subsection (g) of Section II of Part III, Subsections (d) and (e) of Section III of Part IV, and Subsection (g) of Section III of Part V of Chapter 82 of the 1937 Session Laws be repealed, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 10. This act shall take effect from and after its passage and approval.

Approved March 6, 1943.

CHAPTER 214

An Act to Prohibit Montana Insurance Corporations, Societies, Associations or Organizations, or Any Representatives Thereof, From Engaging in or Attempting to Engage in, or to Advertise or Circularize Their Business of Insurance in Any Manner Whatsoever, in Any Foreign Jurisdiction Without First Obtaining a License to Transact the Business of Insurance in Said Foreign Jurisdiction; Excepting Such Risks as Are the Minority of Majority of Risks Accepted in a Jurisdiction Where the Carrier Is Duly Licensed, Providing the Origin of the Accepted Risks Is by Means Other Than Advertising or Circularization; Providing for Penalties for a Violation of the Provisions of the Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana insurance organizations forbidden to engage in insurance business in foreign jurisdiction without prior license from such jurisdiction.

Section 1. No insurance corporation, association, society or organization of any kind, organized or existing under the laws of the State of Montana, or any representative thereof, shall engage in or attempt to engage in the business of insurance, or advertise or circularize its business of insurance or in any manner whatsoever attempt to transact the business of insurance or accept risks of any kind or nature in any foreign jurisdiction, without first procuring a license from the proper licensing department, board or bureau of such foreign jurisdiction, wherein and

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whereby the Montana insurer shall be duly licensed to conduct the business of insurance in said foreign jurisdiction. Provided, however, that the provisions of this act shall not apply to a Montana insurer, where the minority proportion of a risk or risks accepted by said Montana insurer are residented, situated or located in a jurisdiction in which said Montana insurer is not licensed, provided, the major proportions of said accepted risk or risks are residented, situated or located in a jurisdiction in which the said insurer is duly licensed and provided further that the origin of the accepted risk or risks was by means other than by advertising or circularization locally in a foreign jurisdiction wherein such Montana insurer is not duly licensed.

Act not applicable, when.

Section 2. Whenever the insurance commissioner of the State of Montana shall determine, after due investigation, that any Montana insurance corporation, association, society or organization, or any representative thereof, has willfully violated the provisions of this act, the said insurance commissioner shall issue a written notice to the offending Montana insurer and its representative or representatives responsible for the violation of the provisions of this act to appear, in person or by counsel, before the said insurance commissioner on a date certain, not less than ten (10) days after date of service of said notice upon the Montana insurer and its representative or representatives and show cause why the license issued to said Montana insurer and its representative or representatives or either thereof, by the Montana insurance department, should not be vacated and held for naught.

Citation by insurance commissioner to violator of act to show cause why license should not be vacated.

Section 3. Whenever the insurance commissioner, of the State of Montana, shall determine, after a hearing held, pursuant to notice duly made as provided by Section 2 of of this act, that the respondent Montana insurance corporation, association, society or organization, or its representative or representatives, has violated the provisions of this act, it shall be the duty of the insurance commissioner to transmit to the attorney general a complete report of this hearing and of the findings made by the insurance commissioner, whose duty it shall be to apply to the district court of the county wherein the seat of government be located, for an order requiring the officers, directors, or managers of such corporation to show cause why they should not be removed from office or its business closed.

Findings by insurance commissioner to be transmitted to attorney general—duty of the latter.

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Section 4. Any Montana insurance corporation, association, society or organization, or representative thereof, aggrieved by any order of revocation or cancellation of license duly made and entered by the Montana insurance commissioner pursuant to the provisions of this act, may, within thirty (30) days from the date of said order of revocation or cancellation, appeal to the district court of the county wherein the seat of government be located for a review of the proceedings had before the said Montana insurance commissioner. The hearing of the matter before the said district court will be as of a trial de nova and all orders and judgment of the court will be binding upon all parties.

Appeal.

Section 5. If any word, clause, phrase, sentence or paragraph of this act be declared to be unconstitutional by a court of competent, appellate jurisdiction, such declaration shall affect only such portions of the act as shall be directly affected thereby and the remainder of the act shall remain in full force and effect as herein enacted.

Severability of act.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 6, 1943.

CHAPTER 215

An Act to Authorize Housing Authorities as Now Established or as May Hereafter Be Established to Develop or Administer Projects to Provide Housing and to Cooperate With the Federal Government in Making Housing Available for Persons Engaged in War Industries or Activities; to Provide for Payment of Annual Sums in Lieu of Taxes on All Property Hereafter Acquired or Held by Such Housing Authorities or the Federal Government, and to Grant Certain Powers to Public Bodies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any housing authority now or hereafter established pursuant to Chapter 404, Revised Codes of Montana, 1935, and Chapter 153, laws of the twenty-seventh legislative assembly, and acts supplemental and amendatory thereto, (herein called the "housing authorities

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Housing authorities authorized to develop or administer projects housing persons in war industries or activities.

law") may undertake the development or administration, or both, of projects to provide housing for persons engaged or to be engaged in war industries or activities if it finds that an acute shortage of housing for such persons exists or impends in the area within the authority's boundaries or any part thereof and that the necessary housing would not otherwise be provided when needed. In the ownership, development or administration of projects under this act, a housing authority shall have all the rights, powers, privileges and immunities that it has under any provision of law relating to the ownership, development or administration of low-rent housing and slum clearance projects, in the same manner as though all the provisions of law applicable thereto were applicable to projects developed or administered hereunder; provided any housing authority now or hereafter established pursuant to Chapter 404, Revised Codes of Montana, 1935, and/or Chapter 153, laws of the twenty-seventh legislative assembly and acts supplemental and amendatory thereto, (known as the housing authorities law), and/or the federal government shall make and agree to make, with respect to any project owned and administered by it under this act, such payments for services and facilities furnished for such project by the city, county or other political subdivision of the state in which such project is located as may be agreed upon; and provided further, that a project developed or administered under this act by a housing authority to provide housing for persons engaged or to be engaged in war industries or activities shall not be subject to any provisions of the housing authorities law restricting rentals or tenant selection. As soon after the termination of the present war as it is found to be practicable, all projects owned and administered by a housing authority under this act shall be administered for the purposes and in accordance with all the provisions of the housing authorities law.

Agreements for payment for services and facilities furnished by city, county or other political subdivision.

Section 2. A housing authority may exercise any or all of its powers to aid and cooperate with the federal government in making housing available for persons engaged or to be engaged in war industries or activities; may act as agent for the federal government in developing and administering projects undertaken by the federal government to provide such housing; may lease such projects from the federal government; and may arrange with public bodies and private agencies for such services and facili-

Cooperation with federal government.

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ties as may be needed for such projects, subject to the provisions of this act.

Powers of city, county and other public bodies.

Section 3. With respect to projects undertaken by a housing authority or the federal government to provide housing for persons engaged or to be engaged in war industries, any city, county or other public body shall have all the rights and powers to aid and cooperate in the development or administration of such projects that it has under any provision of law relating to its aiding or cooperating in the development or administration of low-rent housing and slum clearance projects, in the same manner as though all the provisions of law applicable thereto were applicable to projects undertaken by a housing authority or by the federal government to provide housing for persons engaged or to be engaged in war industries or activities. With respect to projects located outside the territorial boundaries of a city, county or other public body, which are undertaken by a housing authority or the federal government to provide housing for persons engaged or to be engaged in war industries or activities, such city, county or other public body may furnish or contract to furnish, upon such terms as it deems advisable, public services or facilities for any such project if the governing body of the city or county, as the case may be, in which such project is located, shall, by resolution, consent thereto, subject to the provisions of this act.

Payment of rentals in lieu of taxes on real property.

Section 4. Any housing authority now or hereafter established pursuant to Chapter 404, Revised Codes of Montana, 1935, and/or Chapter 153, laws of the twenty-seventh legislative assembly, and acts supplemental and amendatory thereto (known as the housing authorities law) and/or the federal government may pay from rentals, annual sums in lieu of taxes, to any state and/or political subdivision thereof, with respect to any real property, including improvements thereon, now owned or hereafter acquired or held either by such housing authority or the federal government. The amount so paid for any year, upon such property, shall not exceed the taxes which would be paid to the state and/or subdivision thereof, as the case may be upon such property, if it were not exempt from taxation, with such allowances as may be considered to be appropriate for expenditures by the government for streets, utilities, or other public services to serve such property.

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"Persons" defined.

"Federal government".

Development of project deemed initiated, when.

Section 5. Wherever used in this act, the term "persons" shall include the families of such persons who are living with them, the term "federal government" shall include any department, agency or instrumentality thereof, and the term "city" shall mean any city or town in the state. The development of a project shall be deemed to have been initiated under this act if a housing authority has issued any bonds, notes or other obligations to finance the cost thereof.

Act constitutes an independent authorization.

Section 6. This act shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to provide housing for persons engaged or to be engaged in war industries or activities and to cooperate with, or act as agent for, the federal government in the development or administration of projects undertaken by the federal government to make housing available for such persons. In acting hereunder, a housing authority shall not be subject to any limitations, restrictions or requirements of other laws (except those relating to land acquisition) prescribing or limiting the procedure or action to be taken in the development or administration of any buildings, property or public works, including, but not limited to low-rent housing and slum clearance projects or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the state. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the federal government, or to secure financial aid, for the expeditious development or the administration of projects to make housing available for persons engaged or to be engaged in war industries or activities and to effectuate the purposes of this act. All powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting such other powers, except as herein provided.

Powers granted are additional and supplemental.

Termination of authority under this act.

Section 7. No housing authority shall initiate the development of any housing project under this act after the termination of the present war.

Severability of act.

Section 8. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any persons or circumstances, is

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held invalid, the remainder of the act and the application of such provisions to persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby.

Section 9. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 6, 1943.

CHAPTER 216

An Act to Amend Section 3661 of the Revised Codes of Montana, 1935, Relating to the Appointment of Deputy Fish and Game Wardens; Providing for the Removal, Rating, Salary and Expenses of Deputy and Special Deputy Fish and Game Wardens and Providing for the Appointment of a Chief Deputy Fish and Game Warden.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3661, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3661. The state fish and game commission shall have the power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against deputy state fish and game wardens, and to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of deputy state fish and game wardens or to carry out the provisions of this section. *The state fish and game warden, by and with the consent and approval of the commission, shall have power to employ a chief deputy fish and game warden, who shall have previously served as a deputy fish and game warden or who has had several years experience in wildlife management, who shall be a peace officer and hold his office for such time as the warden may direct, and who may be removed from office by said state fish and game warden at any time for cause after due hearing before said commission. The chief deputy fish and game warden shall have the same powers and duties as a deputy game warden as provided by law and in addition shall*

Power of commission to remove, suspend, reduce in rank, and to rate deputies.

Appointment of chief deputy fish and game warden.

Qualifications, powers and duties.

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Salaries.

serve as acting state fish and game warden in the absence of said warden and shall maintain his office in the fish and game department office at the seat of the state government. The salary of the chief deputy fish and game warden shall be twenty-five hundred dollars ($2,500.00) per annum. Deputy state fish and game wardens shall not be removed unless furnished with a reason for removal and given a hearing in his own defense. The salary of the deputy state fish and game wardens shall be as follows: *twenty-one hundred dollars ($2,100.00)* per annum, provided that the commission may at its discretion pay not more than five (5) first grade men a salary not exceeding *twenty-four hundred dollars ($2,400.00)* per year.

Traveling expenses.

"Each deputy state fish and game warden shall be allowed his actual and necessary traveling expenses while away from his place of residence upon official business connected with his office, not exceeding the sum of *seven hundred fifty dollars ($750.00)* per year, unless special work shall be ordered by the fish and game commission; said expenses to be approved by said state fish and game warden and to be paid upon proper voucher from the state fish and game fund; provided further that the salaries of special deputies appointed under Section 3656, Revised Codes of Montana, 1935, shall be one hundred fifty dollars ($150.00) per month and actual expenses."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act is hereby deemed and declared an emergency act, and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1943.

CHAPTER 217

An Act Known as the State Highway Treasury Anticipation Debenture Act of 1943 and Authorizing the Issuance of Debentures of the State of Montana in the Principal Sum Not Exceeding Eight Million Dollars ($8,000,000) for the Years 1944 to 1946 Inclusive and Not to Exceed Four Million Dollars ($4,000,000) in the Year 1944 and Not to Exceed Two Million Dollars ($2,-

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000,000) in Each of the Years 1945 and 1946 or Any Subsequent Year and Providing for the Sale Thereof for the Use of the State Highway Fund for the Purpose of Assuring the Ability of the State of Montana to Secure Any Moneys Made Available by the Act of Congress in Reference to Highways, and for Other Highway Purposes, and for Carrying on a Postwar Highway Program Such as Will Bring the Highway System of the State up to the Established Standards of the Federal Highway Act and the Payment of State Highway Treasury Anticipation Debentures of the State of Montana Now Outstanding; Providing for a Tax on Gasoline or Motor Fuels and Anticipating the Revenues Therefrom and Providing for Supplemental and Additional License or Excise Taxes on Gasoline or Motor Fuels During the Period From July 1, 1943 to June 30, 1945; Prescribing the Form and Terms and Conditions of Said Debentures and Interest Thereon and the Dates of Their Maturities; Calling a General Election for the Submission of This Act to the People and Providing the Method for referring the Question of the Issuance and Sale of Said Debentures to the People at a General Election and Prescribing the Registration for Such Election and Prescribing the Method for Holding Such General Election and the Qualifications of Electors and Appropriating Moneys From the State Highway Fund to Pay the Cost Thereof; Providing a Method by Which the State Treasurer, May Purchase Said Debentures and Providing That Said Debentures May Be Accepted as Security for the Repayment of Public Moneys; Prescribing the Conditions Under Which the Sale of Such Debentures May Be Made and the Use of the Funds to Be Derived From the Sale of Such Debentures; Prescribing the Amounts and Years Respectively in Which Said Debentures Shall Be Due and Payable; Providing for the Repayment of Both Principal and Interest of Such Debentures and for the Pledging and Setting Aside of a Sufficient Amount of Said Excise or License Tax on Gasoline or Motor Fuels to Pay the Same From the State Highway Treasury Debenture Redemption Fund Herein Created; Providing for the Cost of Such General Election and for the Cost of Advertising the Sale of Said Debentures; Providing for the Creation of a Liability Binding the State of Montana Not to Reduce the License Tax on Gasoline or Motor Fuels Until After

Title of act.

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Accrual of Sufficient Moneys to Pay the Said Debentures and Interest; Defining the Duties of Election Officials Hereunder and Providing Penalties for Violations of the Election Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That for the purpose of anticipating the revenue to accrue in the state highway fund of the State of Montana, and for the purpose of assuring the ability of the State of Montana to secure any funds or moneys allocated to the state and made available to it by the acts of congress of the United States in reference to the construction, betterment and maintenance of highways, the purpose and the lawful expenditure authorized being to build the unconstructed mileage upon the federal aid system of the state and to carry on such reconstruction as may be approved by the United States government and the state highway commission for such improvement, with a sum total of betterment and maintenance such as will bring the highway system of the state up to the established standards of the federal road act and thereby make ready for satisfactory public operation and use thereafter, and to provide additional working funds for the state highway commission of the State of Montana in reference to the roads and highways of the state and to pay the principal and interest in the year 1945 on state highway treasury anticipation debentures of the State of Montana now outstanding a loan or series of loans for the use and benefit and in the name of the State of Montana in the total principal sum of eight million dollars ($8,000,000) and not exceeding four million dollars ($4,000,000) lawful money of the United States in the year 1944 and not to exceed two million dollars ($2,000,000) in each of the years 1945 and 1946 is hereby authorized and directed, the proceeds of which said loan or loans shall be paid into the state treasury of the State of Montana and placed in the state highway fund therein, to be used for the purposes herein provided.

Purposes of loan authorized.

Amount of loan.

Section 2. The state highway commission of the State of Montana, acting by a resolution adopted by vote of the majority of its members, is hereby authorized and directed

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State highway commission authorized to issue and sell state highway treasury anticipation debentures.

to issue and sell state highway treasury anticipation debentures of the State of Montana for the purpose herein provided in an amount of four million dollars ($4,000,000) during the year 1944 and not to exceed two million dollars ($2,000,000) during each of the years 1945 and 1946 and not to exceed in the aggregate eight million dollars ($8,000,000). In the event funds are not required for the purposes herein provided in any of the years 1944 to 1946, inclusive, and state highway treasury anticipation debentures not sold as herein provided, the state highway commission of the State of Montana is hereby authorized and directed to issue and sell state highway treasury anticipation debentures of the State of Montana in an amount not to exceed two million dollars ($2,000,000) during the year 1947 or any subsequent year, in order to make the aggregate of eight million dollars ($8,000,000) available to the state highway commission for the purposes herein provided.

Debentures —interest rate, and other provisions.

Said debentures shall bear such rate or rates of interest, not to exceed, however, the rate of four per centum (4%) per annum, payable semi-annually, and shall be payable at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof, at the fiscal agent of the State of Montana, in the borough of Manhattan, city and state of New York, both as to interest and principal, as such highway commission shall by its resolution direct, and shall be executed in the name of the State of Montana by the governor and state treasurer under the great seal of the state and shall be attested by the secretary of state.

Interest coupons.

The semi-annual installments of interest shall be evidenced by interest coupons attached to said debentures, which shall be executed by the engraved or lithographed facsimile signatures of the governor and the secretary of state.

Negotiability.

The principal of and interest upon such debentures shall be payable in lawful money of the United States of America, and all such debentures issued pursuant to the provisions of this act shall be fully negotiable within the meaning and for all the purposes of the negotiable instruments law as said law is now or may hereafter be in force in the State of Montana.

Maturity.

All of such debentures so issued shall mature at the expiration of ten (10) years from and after the date thereof

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and shall be callable at par and accrued interest for redemption prior to maturity on any interest payment date on, or after the expiration of, five (5) years from date thereof at the option of the state treasurer of the State of Montana, as provided herein. Said debentures and coupons shall be in substantially the following form:

Number..... $.....

UNITED STATE OF AMERICA
STATE OF MONTANA
STATE HIGHWAY TREASURY ANTICIPATION DEBENTURE

(STATE HIGHWAY FUND)

Form of debentures.

For value received the State of Montana acknowledges itself to owe and promises to pay to bearer, or if this debenture be registered as to principal, then to the registered holder hereof, from the state highway fund of the State of Montana, the sum of.....Dollars, ($.....), on the.....day of.....19....., subject to the right of prior redemption as hereinafter set out, with interest hereon from the date hereof until paid at the rate of.....per centum (.....%), per annum, payable....., and semi-annually thereafter on the.....day of..... and of.....of each year, upon presentation and surrender of the annexed interest coupons as they severally become due. Both principal hereof and interest hereon are hereby made payable in lawful money of the United States of America, at the office of the state treasurer of the State of Montana, Helena, Montana, or at the option of the holder, at the fiscal agent of the State of Montana, in the borough of Manhattan, city and state of New York.

This debenture is one of a series of debentures of like date, tenor and effect aggregating the principal sum of .....dollars ($.....).

The principal of and interest upon all debentures of this series are entitled to payment at maturity in the order of presentation of debenture and coupon at the office of the state treasurer of the State of Montana or at the fiscal agent of said state in the borough of Manhattan, city and state of New York, but are otherwise entitled to no priority or preference the one over the other, and said debentures are issued in pursuance of and subject to the terms and provisions of the state highway treasury an-

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ticipation debentures act of 1943, and this debenture and all other debentures of this series are secured by the monies derived from the excise or license tax on gasoline or motor fuels as provided for in said act and not otherwise.

Form of debentures.

The state treasurer of the State of Montana reserves the right to call and redeem this debenture prior to maturity at par and accrued interest, on....., or on any interest payment date thereafter, upon notice specifying the number of the debenture and date of redemption given by registered mail to the holder, if known, and as to any unknown holder such notice shall be published once each week for at least two (2) weeks, in a newspaper of general circulation printed and published in the city of New York, New York, and in the city of Helena, Montana, and shall be filed at the places of payment of principal and interest. The mailing of such notice shall be at least thirty (30) days preceding such redemption date. The first publication and the filing of such notice shall be at least thirty (30) days preceding such redemption date, and when such debentures shall have been called for redemption and payment made or provided for, interest thereon shall cease from and after the date so specified.

It is hereby certified, recited and declared that all matters, acts, conditions and things required by law to make this debenture a valid, outstanding and binding obligation against the state highway fund of the State of Montana, have happened and been done and performed and the State of Montana hereby pledges its faith and credit that the excise or license tax on gasoline or motor fuels, as provided in the act authorizing the issuance hereof, shall not be reduced so long as this debenture or any of the debentures of this series shall remain outstanding and unpaid, except as in said act provided.

This debenture is subject to registration as to principal in the name of the owner on the registry books of the state treasurer, such registration to be evidenced by a notation of said treasurer on the back hereof and on said books, and after such registration no transfer hereof except noted hereon and upon such books shall be valid unless the last registration shall have been to bearer, provided that such registration shall not restrain the negotiability of the interest coupons by delivery merely.

IN WITNESS WHEREOF and pursuant to the author-

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Form of debentures.

ity vested in them and each of them and under and by direction of the aforesaid act, the governor and the state treasurer of the State of Montana have hereunto affixed their and each of their official signatures, and the secretary of state of the State of Montana has attested the same by his official signature and the great seal of the State of Montana at Helena, the capital of said state, this..... day of....., A. D., 19.....

.....
Governor of the State of Montana

.....
State Treasurer of the State of Montana

Attest:

.....
Secretary of State of the State of Montana

(Form of Coupon)

On the.....day of ..... 19....., the State of Montana promises to pay to bearer, unless the debenture to which this coupon is attached shall have been called for prior payment as therein provided, and payment made or provided for, at the office of the state treasurer of the State of Montana, at Helena, Montana, or at the option of the holder, at the fiscal agent of the State of Montana, in the borough of Manhattan, city and state of New York, the sum.....dollars ($.....), in lawful money of the United States of America, from the state highway fund of the State of Montana, for interest then due on its state highway treasury anticipation debenture dated....., 19....., and numbered.....

.....
Governor of the State of Montana

.....
Attest:

.....
Secretary of State of the State of Montana.

On the back of each of said debentures shall be printed the following:

This debenture registered in my office this..... day of....., A. D., 19....

.....
State Treasurer of the State of Montana

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Name of Registered Owner	Date of Registration	Signature of State Treasurer
.....	.....	.....
.....	.....	.....
.....	.....	.....

Date of debentures.

Section 3. All of said state highway treasury anticipation debentures shall bear date on the date they are actually issued and shall be issued and due and payable as provided in Section 2 of this act. The principal of and the interest upon said debentures shall be entitled to payment in the order of their presentation at maturity unless sooner called and paid as provided for in Section 2 of this act, otherwise without preference or priority one over the other.

State contracts with owners of debentures that excise tax of 5c a gallon not to be reduced until debentures are paid.

Section 4. The issue and sale of said debentures shall constitute an irrevocable contract between the State of Montana and the legal owner of any of said debentures or coupons attached thereto, that the excise or license tax of five cents (5c) a gallon on gasoline or motor fuels of dealers or distributors, as provided in this act or in any of the other laws of the State of Montana thereunto enabling, shall not be reduced nor any part thereof diverted to any other purpose than as at present provided by law, so long as any of said debentures or said coupons remain outstanding and unpaid, and that the State of Montana will cause such taxes to be promptly collected and after the payment of drawbacks or refunds, the state treasury shall set aside monthly from the proceeds from said license taxes and pay into a fund to be known as the state highway treasury anticipation debenture interest and redemption fund of 1943, which is hereby created as a separate and distinct fund of the State of Montana, an amount of money collected therefrom equalling one-sixth (1/6) of the interest requirements on said debentures which will fall due upon the next succeeding interest payment date and an amount sufficient to create an adequate sinking fund to pay the redemption price of all outstanding debentures optional for prior payment, provided that such monthly payments for meeting the interest and principal requirements of said debentures shall always be fully sufficient therefor so as to provide ample funds for the prompt payment of the principal amount of all such debentures at the maturity of each thereof and the interest accrued thereon; provided further that any funds in said state

State highway treasury anticipation debenture interest and redemption fund of 1943.

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highway treasury anticipation debenture interest and redemption fund which have been accumulated in said fund to pay the principal of said debentures, may, on authorization by the state board of examiners, be expended by the state treasurer for the purchase of said debentures or any thereof at any time prior to their maturity but at no more than their par value. The pledge of said license or excise taxes of five cents (5c) a gallon on gasoline or motor fuels and dealers and distributors as therein and herein provided, shall be irrepealable until all of said debentures and the interest accrued thereon shall have been fully paid and all of said debentures and the interest thereon shall be paid solely from the proceeds of said excise taxes as collected, provided that nothing in this act shall prevent the reduction of such excise taxes when sufficient moneys to pay the principal and accrued interest on all of said debentures have been set aside in said highway treasury anticipation debentures interest and redemption fund of 1943, and all moneys in said fund shall be retained by the state treasurer as a fund separate and apart from all other state funds and shall be used exclusively for the payment of the principal of and interest upon the debentures issued pursuant to this act.

Sale of debentures.

Section 5. The state highway treasury anticipation debentures herein provided for shall be sold by the state treasurer and the state highway commission to the highest or best bidder for cash at not less than par and accrued interest, and at such times and in such amounts, subject to the limitations herein provided, as may be authorized by said state highway commission by resolution to be entered of record in the minutes of their proceedings.

Notice of sale—publication of.

Immediately upon the passage or adoption by the said state highway commission of such resolution providing for the issuance and sale of any of said debentures, a certified copy of said resolution shall be delivered to the state treasurer who, immediately upon receipt of such copy, shall advertise the time and place of sale by notice published once each week for four (4) consecutive weeks in at least one (1) newspaper published in the city of Helena, Montana, and by one (1) publication in one (1) newspaper published in the city of New York, State of New York, as provided by law. The first publication of such notice shall be made not less than thirty (30) days next preceding the date of sale. Such notice shall state that

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such sale will be made at the office of the state treasurer of the State of Montana and shall specify the time of such sale. Such notice shall further state the amount of such debentures to be sold and that the denominations thereof will be made to suit the purchaser and shall further state that said debentures shall bear interest at a rate not to exceed four per centum (4%) per annum and that sealed bids will be received therefor.

Bids—opening, award to bidder, rejection.

At the time and place stated in said notice the state treasurer and the state highway commission shall open the bids in public and may award said debentures to bidder or bidders offering to pay the highest price therefor, or offering to purchase said debentures at par and accrued interest at the least rate of interest. The state treasurer and the state highway commission shall have the right to refuse any and all bids and they shall require as security for compliance with the terms of each bid, the deposit of a certified check equal to two per centum (2%) of the bid, drawn on some solvent bank or trust company payable to the order of the state treasurer as a guaranty that said debentures will be paid for by the bidder whose bid is accepted. Such certified check and the proceeds therefrom shall be forfeited to the State of Montana in case such bidder fails to make good his bid.

Security required of bidder.

Cost of advertising.

The cost of the advertisement of the sale of any of said debentures shall be paid out of the state highway fund as other claims against said fund are paid.

Proceeds from sale of debentures, disposition of.

Section 6. The proceeds received from the sale of said state highway treasury anticipation debentures, except any accrued interest and premium, shall be placed in the state treasury and credited to the state highway fund to be used for the purposes hereinbefore set out, and such proceeds are hereby appropriated to be used for such purposes; provided that any such accrued interest or premium so received shall be deposited by the state treasurer in the said state highway treasury anticipation debenture interest and redemption fund of 1943, to be used for payment of the interest upon and maturing principal of said debentures, respectively, as hereinabove provided. Provided further that out of the proceeds derived from the sale of state highway treasury anticipation debentures herein provided in the year 1944, there shall be placed in the state highway treasury anticipation debenture in-

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terest and redemption fund of 1939 sufficient moneys to pay the principal and interest on all 1939 state highway treasury anticipation debentures now outstanding and which are optional for payment in the year 1944. It being the intention of this act to add to the security of the holders of the debentures now outstanding and issued pursuant to initiative measure No. 41, and not to in any manner impair their security.

State treasurer authorized to purchase debentures.

Section 7. The state treasurer may, with the approval of the state board of examiners, and other officials whose approval is required by law for the investment of public funds, purchase such debentures for public investment on a competitive basis with any other bidders.

Acceptance of debentures as security for repayment of public moneys or other obligation.

Section 8. The said state highway treasury anticipation debentures may be accepted at their par value by all public officials of the State of Montana as security for the repayment of all deposits of public moneys of the state or of any county, municipality or public institution thereof, and as security for the faithful performance of any obligation or duty to guarantee the performance of which such officials are now authorized by law to accept deposits of the bonds of this state or of the United States of America.

Excise tax of 5c per gallon on gasoline fixed for definite period.

Section 9. For the purpose of providing funds for the payment of the interest and the maturing principal of the state highway treasury anticipation debentures herein provided for every distributor referred to and defined in the gasoline license tax laws of the State of Montana now in effect shall pay for the year beginning July 1, 1943, and ending June 30, 1944, and each year thereafter until the principal and interest of all debentures issued under the authority of this act shall have been paid, to the state board of equalization for deposit into the state treasury, an excise or license tax for the privilege of engaging in and carrying on such business in this state in an amount equal to five cents (5c) for each gallon of gasoline refined, manufactured, produced or impounded by such distributor and sold by him in this state, or shipped, transported or imported by such distributor into and distributed and sold by him within this state, after it has arrived in and is brought to rest within this state, whether sold in the original packages or in the broken packages during such year; provided that all gasoline delivered by any distrib-

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utor to any of his service stations in this state shall be deemed to have been sold and shall be treated and considered in computing such license tax in the same manner as though the same had been sold to dealers or to other persons. In making the computation of license tax due and in making payment thereof, two per centum (2%) of the amount of such tax shall be deducted by the distributor as an allowance for evaporation and other loss of gasoline handled by such distributor, and every dealer referred to and defined in the gasoline license tax laws of the State of Montana now in effect, shall, for the year beginning July 1, 1943, and ending June 30, 1944, and each year thereafter until the principal and interest of all debentures issued under the authority of this act shall have been paid, while engaged in such business in this state, pay to the state board of equalization for deposit in the state treasury, a license tax for the privilege of engaging in and carrying on such business in this state, in a sum equal to five cents (5c) for each gallon of gasoline sold or distributed by such dealer in the state during such year; provided, however, that no gasoline sold by such dealer, which was purchased by him from a producer or distributor, who has paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline as was shipped, transported or imported into this state and purchased by such dealer before it had arrived in and was brought to rest within this state and then re-sold by such dealer, whether in the original packages or in broken packages, shall be included or considered for the purpose of computing such license tax due, provided that no gasoline exported out of the State of Montana shall be included in the computation of any dealer's license tax herein provided for. Two per centum (2%) of the amount of such tax shall be deducted as an allowance for evaporation and other loss of gasoline handled by such dealer. Except as hereinbefore expressly provided all the covenants herein agreed to be performed by the State of Montana shall be for the equal benefit, protection and security of the legal holders of all such debentures and coupons and all debentures issued hereunder shall be of equal rank without preference, priority or distinction as to the benefit, protection and security of this act, regardless of the maturity of such debentures or of the time or times of their issuance and regardless of any provision or limitation contained in any

Deduction allowable to distributor.

Dealer's license.

Exemption as to gasoline exported.

Deduction allowed to dealer.

Debentures shall be of equal rank as to protection and security.

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existing law of the State of Montana pertaining to the imposition of such gasoline license tax or to the period of time during which same shall be effective.

Distributors to pay additional excise or license tax during definite period.

For the purpose of providing additional funds for the payment of the interest and maturing principal of the state highway treasury anticipation debentures herein provided for every distributor referred to and defined in the gasoline license tax laws of the State of Montana now in effect, shall, from the first day of July, 1943, and until the thirtieth day of June, 1945, pay to the state board of equalization for deposit in the state treasury, an additional excise or license tax for the privilege of engaging in and carrying on such business in this state in an amount equal to one cent (1c) for each gallon of gasoline or motor fuel of more than forty-six (46°) Taglianbes-Baume gravity test, upon which such distributor is now required to pay the five cent (5c) gasoline license or excise tax, and it is further provided that the state board of equalization shall collect an additional license or excise tax of two and one-half cents (2½c) per gallon on motor fuel of less than forty-six (46°) Taglianbes-Baume gravity test, said additional or supplemental license or excise taxes to be supplemental to and not in lieu of the five cent (5c) excise or license tax. It is further provided that such additional excise or license taxes shall be collected or paid only during the period between July 1, 1943 and the 30th day of June, 1945.

Refund allowable.

Any person who shall collect a five cent (5c) per gallon refund on gasoline under the provisions of Section 2396.4 of the Revised Codes of Montana, 1935, as amended by Chapter 67 of the Session Laws of Montana, 1939, shall likewise be entitled to and shall collect an additional one cent (1c) per gallon refund on gasoline upon which the additional one cent (1c) license or excise tax was paid. The state board of equalization shall provide necessary forms and blanks and shall pay the one cent (1c) per gallon refund at the same time and in the same manner that it pays the five cent (5c) per gallon refund.

Act is subject to approval of electors.

Section 10. It is hereby provided that if this act shall fail to receive the approval of the people at the general election herein provided for, nothing herein contained shall operate to repeal or amend any of the laws of the

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State of Montana relating to the excise taxes on gasoline or motor fuels.

Law is hereby submitted to people.

Section 11. Pursuant to Section 2 of Article XIII of the Constitution of Montana, this law shall be, and it hereby is submitted to the people for their approval or disapproval, at the general election ordered.

Election called.

Section 12. There is hereby called a general statewide election to be held in each precinct of every county in this state on Tuesday, the 8th day of June 1943, and at such election this law shall be submitted to the qualified voters for their approval or disapproval, and authorization of the liability herein created, by a majority vote.

Proclamation by Governor with reference to election and registration of voters.

Section 13. Within two (2) days after the passage and approval of this act by the legislative assembly, the governor shall, by proclamation published in at least one (1) newspaper in each county of the state in the weeks of March 9th and March 16, 1943, set forth the fact of the calling of such election by this act, the time and places of holding the same and also the title of this act and the form of the ballots to be used in voting upon the same together with notice of the time when registration for this election shall be closed, as herein provided, and that voters eligible to vote at any general election shall be qualified, if already registered, or upon proper registration, as herein provided, to vote thereat.

Duty of secretary of state and of county clerks.

Section 14. The secretary of state shall, not later than the twentieth day of April, 1943, cause to be printed and delivered to the county clerk and recorder of each county a true copy of the title of this act, with the form in which the same shall be printed on the official ballots and submitted to the people at such election. The secretary of state shall concurrently distribute to each county clerk a sufficient number of the copies of said act, in full, to furnish one (1) copy to every voter in each county. Each county clerk shall be required to mail to each registered voter in his respective county at least one (1) copy of the same on or before five (5) days after the closing of registration. Each county clerk shall return to the secretary of state with the abstract of votes on this act in his county an affidavit duly executed showing compliance with this section, and the secretary of state shall file affidavit of his compliance with all provisions of this act in the record of said election in his office.

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Who may vote.

Section 15. All electors whose names now appear on the official register of electors in each county and who are eligible to vote at the next general election in this state in the year 1944 without re-registration and are taxpayers whose names appear on the last preceding completed assessment roll, shall be eligible to vote and may vote at the election herein called, and, in addition, all persons now eligible to vote or eligible to vote at any time before the closing of registration as herein provided, except for the fact that their names are not on the official register, may register and vote if otherwise qualified, upon registration with the county clerk of their respective counties during the period before which registration shall be closed preceding the election herein called, it being intended hereby to permit all qualified and registered voters in the state to participate in said election, and to recognize as eligible to vote all persons whose names are now on the official register, or may be placed thereon as herein provided.

Close of registration.

Section 16. For the purposes of this election, and for no other purposes, the county clerk shall close registration on Friday the 28th day of May, 1943, and he shall immediately transmit to the secretary of state a certificate showing the number of voters registered in each precinct in his county and eligible to vote at the election herein called.

Notice to be published.

The county clerk of each county must cause to be published in a newspaper within his county having a general circulation therein in the week of April 28, 1943, a notice signed by himself to the effect that registration for the election herein called will be closed on May 28, 1943, and must also state that electors may register for such election by appearing before the county clerk at his office, or by appearing before a deputy registrar, or before any notary public or justice of the peace in the manner prescribed by law.

County clerk to prepare poll book.

Section 17. During the time intervening between the closing of the registration and the day of the ensuing election the county clerk shall prepare for each precinct a book to be known as the poll book which shall be for the use of the clerks and judges of elections in each of said precincts, and conform as near as may be for the purposes of the election herein called to the poll book prescribed by Section 568, Revised Codes of Montana, 1935, and during such time the county clerk shall also prepare and

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distribute the official ballots as herein provided, and all other necessary election equipment and paraphernalia.

Ballots, preparation and contents of.

Section 18. It is hereby made the duty of the county clerk of each county to provide printed ballots for the election herein called and to furnish the election judges, clerks and officers in each precinct of his county with a number at least equivalent to twenty (20) more than will be required for his eligible electors therein.

Such ballot shall have printed thereon the words:

Ballot.

An act known as the state highway treasury anticipation debenture act of 1943 and authorizing the issuance of debentures of the State of Montana in the principal sum not exceeding eight million dollars ($8,000,000) for the years 1944 to 1946 inclusive and not to exceed four million dollars ($4,000,000) in the year 1944 and not to exceed two million dollars ($2,000,000) in each of the years 1945 and 1946 or any subsequent year; and providing for the sale thereof for the use of the state highway fund for the purpose of assuring the ability of the State of Montana to secure any moneys made available by the act of congress in reference to highways, and for other highway purposes, and for carrying on a postwar highway program such as will bring the highway system of the state up to the established standards of the federal highway act and the payment of state highway treasury anticipation debentures of the State of Montana now outstanding; providing for a tax on gasoline or motor fuels and anticipating the revenues therefrom and providing for supplemental and additional license or excise taxes on gasoline or motor fuels during the period from July 1, 1943 to June 30, 1945; prescribing the form and terms and conditions of said debentures and interest thereon and the dates of their maturities; calling a general election for the submission of this act to the people and providing the method for referring the question of the issuance and sale of said debentures to the people at a general election and prescribing the registration for such election and prescribing the method for holding such general election and the qualifications of electors and appropriating moneys from the state highway fund to pay the cost thereof; providing a method by which the state treasurer may purchase said debentures and providing that said debentures may be accepted as security for the repayment of public moneys;

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Ballot.

prescribing the conditions under which the sale of such debentures may be made and the use of the funds to be derived from the sale of such debentures; prescribing the amounts and years respectively in which said debentures shall be due and payable; providing for the repayment of both principal and interest of such debentures and for the pledging and setting aside of a sufficient amount of said excise or license tax on gasoline or motor fuels to pay the same from the state highway treasury debenture redemption fund herein created; providing for the cost of such general election and for the cost of advertising the sale of said debentures; providing for the creation of a liability binding the State of Montana not to reduce the license tax on gasoline or motor fuels until after accrual of sufficient moneys to pay the said debentures and interest; defining the duties of election officials hereunder and providing penalties for violations of the election provisions of this act.

Below the said title of the act on the said ballot there shall be printed:

☐ For the above entitled act.

☐ Against the above entitled act.

Conduct of election and canvass of votes.

Section 19. The election herein called shall be conducted and the votes on this act shall be counted, canvassed, and returned by the regular board of judges, clerks and officers as votes for candidates are counted, canvassed, and returned and the abstract made by the several county clerks of votes on this act shall be returned to the secretary of state on separate abstract sheets in the manner provided by Sections 801 and 802 of this code for abstract of votes for state officers. It shall be the duty of the state board of canvassers to proceed within five (5) days after the election and sooner if the returns be all received, to canvass the votes cast for this act and the votes against this act, and the governor shall forthwith issue his proclamation, which shall be published in two (2) daily newspapers printed at the capital, Helena, Montana, giving the whole number of votes cast in the state for and against this act and declaring this act, if approved by a majority of those voting at such election, to be in full force and effect as

Results to be proclaimed by Governor.

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the law of the State of Montana from the date of said proclamation.

Section 20. The county commissioners and county clerk in each county and the election judges, clerks and officers therein must, in all respects, carry out the provisions of this act in the calling, advertising, noticing, registration, preparation and furnishing of ballots and supplies for the election, holding and conducting of the election, counting, canvassing and return of the votes as prescribed by the general election laws of the State of Montana, except as herein specifically prescribed. Any person or persons or any of said officers or officials of any county, who, under the provisions of this act, are required to perform any duty, or who shall wilfully or knowingly fail, or refuse to perform such duty or comply with the provisions of this act, shall be deemed guilty of a felony and shall, upon conviction, be fined in the sum of not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000.00) or by imprisonment in the county jail for a period of not less than three (3) months and not more than one (1) year. Upon the conviction of any person, officer, or official of the violation of the provisions of this act, the judge of the district court hearing such proceeding shall, at the time of rendering judgment of conviction, include in such order of conviction in all proper cases an order of the court that such officer be removed from office and such removal shall be effective forthwith.

Applicability of general election laws.

Penalties.

Section 21. In all cases in which the counties of this state are required by this act to incur expense and pay claims in connection with the election ordered hereby, such counties shall be entitled to and shall be reimbursed from the State of Montana for such expenditures, upon their claims therefor.

Counties entitled to be reimbursed.

Section 22. There is hereby appropriated out of any money in the state highway fund the sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary to pay the cost and expenses of such election, and all expenses in any wise lawfully incurred in connection with the same, or in carrying out the election provisions of this act, and the same shall be charged against and paid out of said fund, upon claims presented by the several counties or other persons to the state board of examiners and by said state board of examiners approved, and the sta auditor shall draw, issue, and deliver his warrants there-

Appropriation.

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for; provided, however, that the state and the counties therein are hereby authorized to accept the services of the election officials without payment therefor, if the same are tendered, and in all other lawful ways keep the expense at such election at a minimum.

Title of act.

Section 23. This act shall be known as "the state highway treasury anticipation debenture act of 1943."

Severability.

Section 24. If any section, provision, clause, or phrase of this act be adjudged unconstitutional, or invalid by any court, for any reason, such adjudication shall not affect the validity of this act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Effective date.

Section 25. This act shall be in full force and effect from and after its passage and approval and proclamation to that effect by the governor, providing the same shall have received a majority of the votes cast for and against it at the election herein called.

Approved March 8, 1943.

CHAPTER 218

An Act to Provide That Bonds and Other Obligations Issued by Any Public Housing Authority or Agency in the United States, When Secured by a Pledge of Annual Contributions to Be Paid by the United States Government, Shall Be Security for All Public Deposits and Negotiable and Legal Investments for the State and Public Officers, Municipal Corporations, Political Subdivisions, and Public Bodies, All Banks, Bankers, Trust Companies, Savings Banks and Institutions, Building and Loan Associations, Savings and Loan Associations, Investment Companies and Other Persons Carrying on a Banking Business, All Insurance Companies, Insurance Associations and Other Persons Carrying on an Insurance Business, and All Executors, Administrators, Guardians, Trustees, and Other Fiduciaries.

Be it enacted by the Legislative Assembly of the State of Montana:

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Housing bonds legal investments and security.

Section 1. **Housing Bonds Legal Investments and Security.** The state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, buildings and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority established pursuant to the housing authorities law of this state (Sections 5309.1 to 5309.27F of the Revised Codes of Montana of 1935, and any laws amendatory or supplemental thereto), or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits and shall be fully negotiable in this state; it being the purpose of this act to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations and that any such bonds or other obligations shall be authorized security for all public deposits and shall be fully negotiable in this state; provided, however, that nothing contained in this act shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

Severability.

Section 2. **Severability.** Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 3. **Act Controlling.** Insofar as the provisions

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Act controlling.

of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Effective date.

Section 4. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1943.

CHAPTER 219

An Act to Amend Sections 1262.81 and 1263.8, Revised Codes of Montana, 1935, as Amended by Chapter 217, Session Laws, 1939, and to Repeal Section 1262.82, Revised Codes of Montana, 1935, All Relating to the Attendance of High School Pupils at High Schools Outside of the Counties of Their Residence, the Transfer of Apportionments and Budgeting for Such Pupils.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1262.81, Revised Codes of Montana, 1935, as amended by Chapter 217, Session Laws, 1939, be, and the same is hereby amended to read as follows:

Attendance outside of county of pupil's residence.

"Section 1262.81. **Attendance Outside of County of Pupil's Residence—Transfer of Apportionments.** The attendance of any eligible high school pupil at an accredited high school outside of the county of his residence, either within or without the state, must be authorized by the county superintendent of schools of the county of his residence *when a pupil lives more than three (3) miles from the nearest high school in the county of his residence, and more than one and one-half (1½) miles from an established bus route operated by such high school, and closer to a high school of an adjoining county than to any high school located in the county of his residence, and when proper application has been made to the county superintendent of schools, not later than October 15th, by the parent or guardian of the pupil for whom such transfer is desired. Provided further, that the county superintendent of schools may at his discretion require a pupil obtaining such transfer to attend the high school nearest his residence.*

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"In all other cases the county superintendent of schools may at his discretion authorize any eligible pupil to attend a high school in a county outside of his residence.

"No payment shall be made for attendance in another state except where such attendance is in a high school in a county adjacent to the county of the student's residence.

"After the budget for high school pupils authorized to attend high schools outside of the counties in which they reside has been adopted by the county superintendent of schools, as provided in Section 1263.8, *as amended,* the county superintendent of schools *of the county* in which such high school pupils reside, shall immediately give to the county treasurer written notice setting forth the names of *all* high school pupils authorized, *on or before July 15th,* to attend high schools outside of the county, with the name of the high school and the county in which situated which each such pupil has been authorized to attend, with the amount appropriated in the budget for each such pupil; *and shall likewise not later than October 20th, give to the county treasurer written notice setting forth the names of all high school pupils authorized, between July 15th and October 15th, to attend high schools outside of the county with the name of the high school and the county in which situated which each such pupil has been authorized to attend. It shall be the duty of the superintendent or principal of each high school, which any pupil residing in another county has been authorized to attend, to give written notice to the county treasurer of the county in which the pupil resides, between the 25th and 30th days of November, of the number of days such pupil has attended such high school during the then current school year and prior to November 25th, and shall also, immediately after the close of such high school in such current school year, give written notice to such county treasurer of the total number of days such pupil has attended such high school during such school year.*

Duty of superintendent of county in which such high school pupils reside.

"The county treasurer shall, in the *month* of December, in each school year, *and immediately after the amount deducted from the high school tax levy fund has been placed in the high school transfer fund, as provided in Section 1263.11, as amended,* transmit to the county treasurer of each county in which any such high school pupil has been authorized to attend high school, *the following amounts:*

Transfer of funds.

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Amounts to be transmitted.

"1. *For each pupil authorized, between July 15th and October 15th, in the immediately preceding school year, to attend a high school outside of the county of the pupil's residence, and who actually attended such high school for forty (40) days or more during such immediately preceding school year, one-half (½) of the amount budgeted for such pupil in the budget for the current school year, provided that the total of said one-half (½) of such amount shall not exceed thirty cents (30c) per day for the total number of days of attendance during such preceding school year, and in no event shall exceed sixty dollars ($60.00).*

"2. *For each pupil authorized, on or before July 15th of the then current school year, to attend high school outside of the county of such pupil's residence, or a pupil of the state orphans' home attending the Twin Bridges high school in Madison county, during such school year, and who has actually attended such high school for forty (40) days or more during the then current school year, one-half (½) of the amount budgeted in the budget for such pupil for such school year, provided, however, that such amount shall not exceed sixty cents (60c) per day for each day of such attendance prior to November 25th of such current school year, and in no event shall exceed sixty dollars ($60.00).*

Amounts to be transmitted (continued).

"*The county treasurer shall, in the month of June, in each school year, and immediately after the amount deducted from the high school tax levy fund has been placed in the high school transfer fund, as provided in Section 1263.11, as amended, transmit to the county treasurer of each county in which any such high school pupil has been authorized to attend high school, the following amounts:*

"1. *For each pupil authorized, between July 15th and October 15th, in the immediately preceding school year, to attend a high school outside of the county of the pupil's residence, and who actually attended such high school for forty (40) days or more during such immediately preceding school year, such an amount as will, with the amount transmitted to such county treasurer in the month of December immediately preceding make up a total amount equal to sixty cents (60c) per day for each day such pupil attended such high school during such preceding school*

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year, but not in any event exceeding a total of ninety dollar ($90.00).

"2. *For each pupil authorized, on or before July 15th of the current school year, to attend a high school outside of the county of the pupil's residence during such school year, and who has actually attended such high school for forty (40) days or more during the then current school year, such an amount as will, with the amount transmitted to such county treasurer in the month of December immediately preceding, make up a total amount equal to sixty cents (60c) per day for each day such pupil actually attended such high school during the current school year, but not in any event exceeding ninety dollars ($90.00).*

Moneys to be transmitted to state treasurer.

"Whenever any such eligible high school pupil is an inmate of the vocational school for girls, the state industrial school for boys or the state training school for the deaf and blind, it shall be the duty of the superintendent, or officer in charge of such institution to make out and transmit to the county treasurer of the county of the pupil's residence, attendance statements similar to those required to be made by high school principals or superintendents to county treasurers by this section and within the time specified herein, and in all such cases the county treasurer of the county of the pupil's residence shall transmit the amount to be paid on account of such pupil direct to the state treasurer who shall deposit all such amounts received to the credit of the state general fund."

Section 2. That Section 1263.8, Revised codes of Montana, 1935, as amended by Chapter 217, Session Laws, 1939, be, and the same hereby is amended to read as follows:

Budgeting for students attending schools outside of county or placed in state institutions.

"Section 1263.8. **Budgeting for Students Attending High Schools Outside of County or Placed in State Institutions.** *Each county superintendent of schools shall, immediately following the third Monday in July of each year, prepare a budget for high school pupils who were authorized, after July 15th of the immediately preceding school year, in accordance with the provisions of Section 1262.81, as amended, to attend, during such immediately preceding school year, high schools outside of the county of their residence or who became inmates of state institutions after such date and for high school pupils who were authorized, not later than July 15th, of the current school*

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year, in accordance with the provisions of Section 1262.81, as amended, to attend, during such current school year, high schools outside of the county of their residence, or who became inmates of state institutions before such date.

Amount to be budgeted.

"The amount to be budgeted for each high school pupil so authorized, after July 15th of the immediately preceding school year, to attend a high school during such school year outside of the county of his residence, or became an inmate of a state institution after such date shall be fixed and determined by allowing sixty cents (60c) per day for each day such pupil actually attended high school during such immediately preceding school year, but not to exceed, in any event ninety dollars ($90.00); provided, that no amount whatever shall be budgeted for any such pupil who failed to attend high school during such year for at least forty (40) days.

"The amount to be budgeted for each high school pupil so authorized, on or before July 15th of the current school year, to attend a high school, during such current school year, outside of the county of the pupil's residence, or was an inmate of a state institution on such date, shall be fixed and determined by allowing sixty cents (60c) per day for each day the high school may be in session during such year, but not to exceed in any event ninety dollars ($90.00).

"If, after the June apportionment and after all payments required to be made from the high school transfer fund during such month have been fully paid, there remains any cash balance in such fund such cash balance shall be deducted from the total amount of the budget for such high school transfer pupils, and the amount remaining after making such deduction shall be the amount for such high school transfer pupils which is to be included in the amount to be raised for the high school tax levy fund by the county wide high school tax levy.

Notice to be given by superintendent of the county of student's residence.

"Immediately after such budget has been prepared the county superintendent of schools preparing the same shall give written notice to the county superintendent of schools of each county in which any high school student *was authorized to attend a high school after July 15th of the immediately preceding school year,* and in which any high school student has been, *on or before July 15th of the current*

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school year, authorized to attend a high school, *in accordance* with the provisions of said Section 1262.81, *as amended,* which notice shall contain the name of each such student, *the high school the student attended during the immediately preceding school year,* or the high school the student has been authorized to attend during the current school year and the amount budgeted for each such student under the provisions of this section. Each county superintendent receiving any such notice shall, at the time of laying the preliminary high school budgets before the board of school budget supervisors of the county, also lay before the board all such notices received by such county superintendent. The board of school budget supervisors, when adopting and approving the final budget of a high school which any such student from outside of the county has been authorized to attend, as shown by such notice or notices, shall add to Section II, Part I of such budget an appropriation for such pupils from outside the county in such amounts as said notice or notices shows will be paid over to and received by such high school during the then current school year, and shall also add to Section XI, Part II of such budget an additional item of estimated receipts showing the amount which it is estimated such high school will receive during the year for the students named in such notice or notices. The amount received or to be received during any year by any high school in payment for students from outside of the county attending such high school shall not be taken into account nor included nor considered in any manner whatever for the purpose of determining the maximum budget which the high school may adopt under Section 1263.5, *as amended.*"

Duty of county superintendent.

Section 3. That Section 1262.82, Revised Codes of Montana, 1935, be, and the same is hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect on and after July 1, 1943.

Effective date.

Approved March 9, 1943.

CHAPTER 220

An Act Establishing a License for Nurseries or Dealers in Nursery Stock, and Their Agents, or Salesmen; Setting

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the Fees Therefor, and Establishing Regulations for the Application Granting, Reissuing, Refusing, or Revocation Thereof; Providing for Copy of Each Order Being Furnished to Purchaser; Providing for Inspection and Establishing Fees Therefor, and Repealing Section 3619 of the Revised Codes of Montana, 1935, and Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

License required of nurserymen.

Section 1. It shall be unlawful for any person, firm, or corporation to engage in, conduct, or carry on the business of selling, dealing in, or importing into this state for sale or distribution, any nursery stock, or to act as agent, salesman, or solicitor for any nurseryman or dealer in nursery stock, or to solicit orders for the purchase of nursery stock, without first having obtained from the commissioner of agriculture and having in force a license to do so, and it shall be unlawful for any person to falsely represent that he is an agent, salesman, solicitor, or representative of any nurseryman or dealer in nursery stock. No license shall be issued until the applicant therefor shall have attested to the application for a license furnished upon request by the commissioner of agriculture, paid the fees, as in this act required, and all agents, salesmen, and solicitors for licensed nurseries shall be granted salesmen's certificates free of charge, upon request of the licensee.

Application, and payment of fees.

Contents of application and license.

All licenses shall be in the name of the person, firm, or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurserymen or dealer licensed or represented by the agent, salesman, or solicitor. All applications for a license must be in the name of the person, firm, or corporation to be licensed, also it must show the nursery acreage represented by the applicant, and such other information as is desired by the commissioner of agriculture. All licenses must bear the date of issue and shall expire the first day of July next following the date of issue. The license fee shall be fifteen dollars ($15.00) per annum for a general nursery, dealing in all kinds of nursery products; ten dollars ($10.00) per annum for a nursery dealing in small fruits, ornamental shrubs, bulbs and perennials; five dollars ($5.00) for a nursery dealing in bulbs and perennials only.

Fees.

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Section 2. Every licensed nurseryman or dealer in nursery stock who shall have complied with the provisions of this act, shall be entitled, upon the expiration of his license or any renewal thereof, by the payment of the proper fee on or before the date of the expiration of his license or any renewal thereof, to have his license renewed for the ensuing year ending July first.

Renewal of license.

Section 3. A license may be refused at any time, or revoked when the person, firm, or corporation applying therefor has been adjudged bankrupt, insolvent, or guilty of fraud or deceit by any court of competent jurisdiction, or upon complaint in writing, verified under oath by the complainant, being made to the commissioner of agriculture, that the holder of any license in this act provided for has violated or failed to comply with the provisions of this act or the laws of the State of Montana relating to horticulture, the commissioner of agriculture, if in his judgment the complaint is justified, may revoke the license of the nurseryman complained of.

Grounds for refusal or revocation of license.

Section 4. It shall be unlawful for any person to falsely represent or to misrepresent the name, age, variety, or class of any nursery stock sold or offered for sale, or to falsely represent or state that any nursery stock offered for sale, sold, or delivered was grown in or came from a certain nursery or locality, when in fact such nursery stock was grown in or came from another location, or nursery, or to deceive or defraud any person in the sale of any nursery stock by substituting inferior or different varieties or ages from those ordered, or to willfully or intentionally bring into this state, or to offer for sale or distribution within this state, or to ship, sell or deliver upon any sale any nursery stock that is infected or infested with any disease or insect dangerous to the horticultural interests of the state, and in case of such misrepresentation, false representation, deceit, fraud, or substitution, shall be subject to punishment as provided by the statute for misdemeanor, and shall be liable to the person, firm, or corporation damaged or injured thereby, the amount of all damages sustained to be recovered in a civil action in any court of competent jurisdiction.

Acts made unlawful.

Section 5. It shall be the duty of all nurserymen or dealers in nursery stock, and all salesmen, solicitors, and

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Duplicate copies of orders for nursery stock required.

agents therefore, to give to every person ordering any nursery stock a duplicate copy of such order which shall show:

Contents of.

1. The name and location of the nursery where such stock is grown.

2. The name of the nurseryman from whom ordered, and the name of the solicitor, salesman, or agent taking such order.

3. The date of the order and when delivery is to be made.

4. The number, name, age, and price of such variety of tree or plant ordered.

Inspection of nursery stock shipped into state.

In the event of the shipment into this state from any point without this state of any nursery stock, by a person, firm, or corporation not licensed to do business in this state, as in this act provided, it shall be the duty of the purchaser or person receiving such nursery stock to have the same inspected by a horticultural inspector, in the same manner as is required upon the delivery of nursery stock sold and delivered by a licensed nurseryman or dealer in nursery stock within this state, and to pay an inspector's fee of ten per cent (10%) of the invoice price of such shipment; provided, that the minimum fee for such inspection shall be fifty cents (50c) and the actual and necessary traveling expenses of the inspector making the inspection; and provided, further, that no inspection fees shall be collected in excess of the regular inspection fees, where such stock is shipped to a person, firm, or corporation, holding a Montana license, as provided in this act.

Inspector's fee.

Duration of license.

Section 6. Licenses granted under this act shall be for one (1) year, unless revoked for any violation of this act.

Repealing clause.

Section 7. Section 3619 of Chapter 306, Revised Codes of Montana, 1935, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1943.

CHAPTER 221

An Act Providing for Public Cemetery Districts; Pro-

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viding for Petitions and Notices of Hearing Respecting Said Districts; Providing for an Election Creating Cemetery Districts; Providing for an Order Organizing Cemetery Districts, Naming Trustees and Granting Powers Thereto; Providing for an Annual Tax Levy for Cemetery Districts; Providing for a Method of Withdrawal From Cemetery Districts, and Altering the Boundaries Thereof; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of act.

Section 1. There is hereby deemed and declared a public cemetery district act for the State of Montana. A cemetery district may contain the entire territory embraced within a county or any portion or subdivision thereof.

Area of cemetery district.

Petition to board of county commissioners.

Section 2. Whenever a petition, signed by not less than fifty-one per cent (51%) of the citizens who are owners of land located within a proposed cemetery district, whose names appear as such owners of land upon the last completed assessment roll of the county in which said proposed district is situated, which petition shall definitely describe the boundaries of the proposed district and request that the territory within said boundaries be organized into a public cemetery district, the petition shall be presented to the board of county commissioners of the county in which the proposed district is situated, at a regular or special meeting of said board. The said board of county commissioners, by resolution, shall fix a time for the hearing of said petition at not less than two (2) nor more than five (5) weeks from the time of presentation thereof, and shall cause notice to be given of the time and place of said hearing, by publication as prescribed by law, for not less than two (2) weeks prior to the time of said hearing. Said notice shall state that any person residing in or owning property within said proposed district or within any existing cemetery district, any part of the territory of which is described in said petition, may appear before said board at the hearing and show cause why the said district should not be created or the proposed boundaries changed.

Notice of hearing.

Hearing.

Section 3. At the time fixed for said hearing, the board shall determine whether or not it complies with the re-

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quirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not to exceed two (2) weeks in all.

Final hearing.

Section 4. If the board of county commissioners shall determine that the petitioners have complied with the requirements herein set forth and that the notice required has been published, it shall thereupon proceed to a final hearing of the matter. Said board shall make such changes in the boundaries of the proposed district as it may deem advisable and shall define and establish such boundaries, as described in the petition and shall call an election.

Order calling an election.

Section 5. The board must, in its order, specify the time and place for such election, the voting place, and shall in said order appoint and designate judges and clerks therefor. The election shall be held in all respects as nearly as practicable in conformity with the general election laws: and provided further, that the polls shall be open from twelve (12) o'clock noon to seven (7) o'clock P. M., on the day appointed for such election. At such election the ballots must contain the words "cemetery district, yes" and "cemetery district, no". The judges of the election shall certify to the board of county commissioners the results of said election.

Ballots.

Section 6. In the event that a majority of the votes cast are in favor of the formation of said cemetery district, the board of county commissioners shall proceed with the organization thereof as herein specified.

Government of district—appointment and terms of trustees.

Section 7. Said cemetery district shall be governed and managed by three (3) trustees, appointed by the board of county commissioners. The trustees shall be appointed from the freeholders residing within said district for terms of one (1), two (2) and three (3) years respectively, and until their successors shall be appointed and qualified. Annually thereafter the board of county commissioners shall appoint one trustee for a term of three (3) years or until his successor shall be appointed and qualified. The trustees at their first meeting shall adopt by-laws for the government and management of the district. They shall serve without pay.

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Powers of district.

Section 8. Said district may maintain a cemetery or cemeteries within said district; may hold title to property by grant, gift, devise, lease, or any other method; and perform all acts necessary or proper for the carrying out of the purposes of this act, including the selling or leasing of burial lots.

Budget and tax levy.

Section 9. The board of cemetery trustees shall annually present a budget to the board of county commissioners at the regular budget meetings as prescribed by law. The board of county commissioners must annually, at the time of levying county taxes, fix and levy upon all property within said cemetery district, sufficient to raise the amount certified by the board of cemetery trustees to be raised by a tax on the property of said district. The tax so levied shall not exceed one mill on each dollar of taxable valuation on the property of said district.

Regulations.

Section 10. The trustees shall make proper rules and regulations for the management of the cemeteries. The procedure of the collecting of the tax and the distribution of the funds shall be in accordance with the existing laws of the State of Montana.

Withdrawal of portion of district, petition for.

Section 11. Any portion of a public cemetery district may be withdrawn therefrom as in this section provided, upon receipt of a petition signed by fifty (50) or more freeholders residing in, or owning property within the portion desired to be withdrawn by any public cemetery district or by a majority of such freeholders, if there are less than one hundred (100) residing within the portion sought to be withdrawn, on the grounds that such portion will not be benefited by remaining in said district. The board of county commissioners shall fix a time for the hearing of such withdrawal petition which shall not be more than sixty (60) days after the receipt thereof. The said board shall, at least thirty (30) days prior to the time so fixed, publish a notice of such hearing for two (2) issues as provided by law.

Hearing.

Section 12. Any person interested may appear at said hearing and present objections to the withdrawal of said portion from said district. The board shall consider all objections, pass upon the merits thereof and make an order in accordance therewith. This order is subject to review by any court of competent jurisdiction.

Review by court.

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Alteration of boundaries.

Section 13. The boundaries of any such public cemetery district may be altered and outlying districts be annexed thereto in the following manner: A petition signed by fifty (50) or more free holders within the territory proposed to be annexed, or by a majority of such freeholders if there are less than one hundred (100) residing within the portion proposed to be annexed, designating the boundaries of such contiguous territory proposed to be annexed and asking that it be annexed to said public cemetery district, shall be presented to the board of county commissioners of the county in which said public cemetery district is situated.

Notice, publication of.

Section 14. At the first regular meeting after the presentation of said petition, said board of county commissioners shall cause notice of said petition to be published according to law for two (2) weeks prior to the date to be fixed by said board for the hearing of said petition. Upon the date fixed for such hearing or continuance thereof, said board shall take up and consider said petition and any objections which may be filed to the inclusion of any property in said district.

Power of county commissioners.

Section 15. Said board of county commissioners shall have the power by order entered on its minutes to grant said petition either in whole or in part, and by order entered on its minutes to alter the boundaries of said public cemetery district and to annex thereto, all, or such portion of said territory described in said petition as will be benefited thereby. This territory shall become and be a part of such public cemetery district and shall be taxed, together with the remainder of said district, for all taxes to be thereafter levied by said board of county commissioners for the operation and maintenance of said public cemetery district.

Severability.

Section 16. If any section, clause, paragraph or provision of this act shall be found invalid by court of competent jurisdiction, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section, paragraph or clause and the act as a whole shall not be declared invalid by reason of the fact that one or more sections, clauses, sentences, paragraphs or parts may have been found invalid by any court.

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Section 17. All acts and parts of acts in conflict herewith are hereby amended. Conflicting acts amended.

Approved March 9, 1943.

CHAPTER 222

An Act Providing That Recipients of Old Age Assistance May Temporarily Be Employed During the War Emergency Whose Old Age Assistance Has Been Discontinued Because of Such Employment, Upon the Termination of Employment Shall Be Immediately Reinstated on the Relief Rolls, and Amending All Acts and Parts of Acts in Conflict Herewith, and Date of Termination.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any recipient of old age assistance who may be temporarily employed during the war emergency, whose old age assistance has been discontinued because of such emergency employment, shall upon termination of such temporary employment be immediately reinstated on the relief rolls for old age assistance. Reinstatement of temporarily employed recipient of old age assistance.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. Owing to the shortage of farm and ranch labor during the war emergency, this act is hereby deemed and declared an emergency measure and shall be in full force and effect immediately upon its passage and approval, and the same shall be terminated March 1, 1945. Effective date. Termination of act.

Approved March 9, 1943.

CHAPTER 223

An Act Amending Section 4324, Revised Codes of Montana of 1935, Fixing and Defining the Boundaries of Granite County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4324, Revised Codes of Mon-

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tana of 1935, be, and the same is hereby amended to read as follows:

Granite county.

"Section 4324. **Granite County.** Beginning at the northeast corner of township five (5) north, range fourteen (14) west, thence running east to the southeast corner of township six (6) north, range twelve (12) west, thence running north following the lines between ranges eleven (11) and twelve (12) west, to an intersection with the divide between Big Blackfoot and Hell Gate Rivers, thence westerly along the summit of *the* divide to an intersection with *the range line between ranges thirteen (13) and fourteen (14) west, thence north along said range line to the northeast corner of section one (1), township twelve (12) north, range fourteen (14) west, thence west along the township line between townships twelve (12) and thirteen (13) north, to the northwest corner of section six (6), township twelve (12) north, range fourteen (14) west, thence south to the southwest corner of section seven (7), township twelve (12) north, range fourteen (14) west, thence west to the northwest corner of section fifteen (15), township twelve (12) north, range fifteen (15) west, thence south to the southwest corner of section thirty-four (34), township twelve (12) north, range fifteen (15) west, thence west to the northwest corner of section six (6) township eleven (11) north, range fifteen (15) west, thence south to the northeast corner of section twelve (12), township eleven (11) north, range sixteen (16) west, thence west to the north quarter corner of section twelve (12), township eleven (11) north, range sixteen (16) west, which is the northwest corner of lot one (1) of section twelve (12), township eleven (11) north, range sixteen (16) west, thence south to the south quarter corner of section twelve (12), township eleven (11) north, range sixteen (16) west, which is the southwest corner of lot four (4) of said section twelve (12), thence west to the northwest corner of section eighteen (18), township eleven (11) north, range sixteen (16) west, thence south to the southwest corner of section thirty-one (31), township eleven (11) north, range sixteen (16) west, thence running west along the township line between townships ten (10) and eleven (11) north,* to an intersection with the summit of the divide between the Bitter Root River and Rock Creek, thence running in a southerly direction following the summit of said divide to its intersection with the continental divide, thence follow-

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ing the continental divide in a general northeasterly direction to its intersection with the line between ranges thirteen (13) and fourteen (14) west, thence north following the said line to the place of beginning. The county seat is Philipsburg, Montana."

Boundaries of Missoula county.

Section 2. The boundaries of Missoula County are amended to conform to the provisions of this act.

Effective date.

Section 3. In order to facilitate the duties of respective county officers involved, this act is hereby deemed and declared an emergency act, and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1943.

CHAPTER 224

An Act to Authorize the Fish and Game Commission of the State of Montana to Establish a Public Shooting Area for Migratory Water-fowl Around and Immediately Adjoining Any Federal Government Wildlife Preserve, Including Any Wildlife Refuge for Migratory Water-fowls in Any Section of Montana, by Acquiring Rights From the Land Owners for Use by the Public and Authorizing the Opening of Roads and Lanes Within a One Mile Limit of Any Such Preserve for the Shooting of Any Migratory Water-fowl and the Posting of Zoning Signs by the Commission, and Authorizing the Expenditure of Moneys in the Fish and Game Funds for Such Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Fish and Game commission shall procure hunting and shooting rights on lands adjoining federal wildlife preserve or refuge for migratory water fowls.

Section 1. The Montana fish and game commission shall negotiate for and enter into written agreements with owners, lessors, lessees, or others having control of areas, tracts or parcels of land adjoining or contiguous to any United States federal wildlife preserve including any wildlife refuge for migratory water-fowls in any section of Montana for the purpose of securing equal hunting and shooting rights for all resident holders of fish and game licenses in Montana on such adjoining and contiguous lands, and preventing such preserves from being surround-

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ed by lands whereon such licensees may not enter. The commission shall, further, open or cause to be opened to public hunting and shooting of migratory water-fowl on any roads, lanes and trails not a part of the traveled portion of any federal aid highway system within a one (1) mile limit from the boundaries of any such preserve or refuge. The commission shall cause any such area, tract, road, lane or trail to be plainly posted with clear signs showing the boundaries of the areas, tracts, roads, lanes or trails open to shooting and hunting by licensees.

Area to be opened to resident holders of licenses.

Section 2. The commission is hereby authorized to negotiate the payment of a reasonable sum to land owners, lessors or lessees for the right of the commission to create a public shooting area upon their lands. The amount that may be paid for such purpose shall rest in the discretion of the fish and game commission.

Payment for lands authorized.

Section 3. There is hereby appropriated annually from the fish and game funds such sums as are necessary for the purpose of carrying out the provisions of this act. The total amount allowed annually for such purpose shall not exceed five thousand dollars ($5,000.00).

Appropriation.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 9, 1943.

CHAPTER 225

An Act to Amend Section 2444, Revised Codes of Montana, 1935, Relating to the Creation of the State Board of Health, and Section 2445, Revised Codes of Montana, 1935, Relating to the Appointment, Qualifications, Terms of Office of Members, and Vacancies on Said Board; to Include in the Membership Thereof Members from Licensed Pharmacists of the State of Montana and Licensed Food Distributors of the State of Montana, and Providing for the Rotation and Succession in Office of Members of Said Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2444 of the Revised Codes of

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Montana, 1935, shall be, and the same is hereby amended to read as follows:

"Section 2444. **Creation of State Board of Health.** There is hereby created and established a board to be known under the *official* name and *designation* of the 'state board of health of Montana'. Said board shall be composed of seven (7) members *and, in addition, an executive secretary, selected by the board, but who shall vote only as hereinafter provided. Five (5) of the said members shall be* experienced physicians, legally authorized to practice, *and in the active practice of medicine and surgery in the State of Montana, and each of said members shall be appointed by the governor from a list* of not less than ten (10) names *of legally licensed physicians and surgeons,* submitted *and nominated* therefor by the Montana *state* medical association; *one (1) member who shall be the president of the Montana state board of pharmacy; and one (1) member who shall be the president of the Montana state board of food distributors. Each member of the board shall have one vote.*

Creation of state board of health.

Membership.

"The state board of health of Montana shall have power to prescribe and promulgate rules and regulations in the several fields of activity assigned to it by law, in all cases consistent with, and within the limitations of the powers, duties and purposes prescribed by law. The state board of health of Montana shall continue to possess the powers and discharge the duties heretofore prescribed by law and such additional powers and duties as may hereafter be prescribed by law."

Powers of board.

Section 2. Section 2445, Revised Codes of Montana 1935, shall be, and the same is hereby amended to read as follows:

"2445. **Appointment, Qualifications, Terms of Office of Members—Vacancies.** The governor shall appoint the five (5) *physician-surgeon members for a term of three (3) years respectively from and after the expiration of the successive terms of office of said five (5) physician-surgeon members now serving, and the president of the Montana state board of pharmacy and the president of the Montana state board of food distributors shall, as often as they shall be lawfully elected by their respective boards, become members of the state board of health of Montana and shall continue as members of the state board of health*

Appointment, qualifications, terms of office of members.

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of Montana for and during the terms for which they are severally elected by their respective boards and such appointment shall be made and successions continued from time to time to prevent any vacancies in the membership of said board for failure to appoint or failure to succeed.

Vacancies.

All vacancies upon the board caused by death, resignation or otherwise, shall be filled by appointment by the governor from a like list submitted by the Montana state medical association for the physician-surgeon members of the board, and by the duly and regularly elected, qualified and acting president of the Montana state board of pharmacy and the Montana state board of food distributors, respectively, as such members are supplied by the respective boards to fill such vacancies."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1943.

CHAPTER 226

An Act to Amend Section 3732 of the Revised Codes of Montana, 1935, Relating to the Shipping of Game, Birds, or Fish From the State by Non-residents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3732 of the Revised Codes of Montana 1935, be, and the same is hereby amended to read as follows:

Permit to non-resident to ship animals or parts of animals from state.

"3732. **Permit to Non-resident to Ship Animals or Parts of Animals From State.** Any non-resident of this state who has procured a proper license to hunt or fish within this state, and who desires to ship out of the state any game birds, fish, or any part thereof, taken or killed by him during the open season for killing the same, the same having been killed lawfully, *shall obtain a shipping permit from the state fish and game warden or other authorized person,* and shall present to the transportation company his license with the consignment of game or fish to be shipped, provided, that no person shall ship *more than twice every seven days the legal limit of fish or game.* Provided that any non-resident who desired to ship or

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take out of the state, any fur-bearing animal, or the skins from fur-bearing animals, or parts thereof, legally acquired, shall first procure a permit from the state fish and game warden, said permit stating the name of the consignee and the consignor, destination and number and kind of fur-bearing animals, or the skins from fur-bearing animals that are to be shipped and said permit shall be presented to the transportation company with the consignment. *Provided further, that any non-resident who has lawfully taken any game animals, game birds, fish or any part thereof, in an adjoining state, and is compelled, by reason of mountainous country or other local conditions, to carry and transport said game animals, game birds, fish or any part thereof, over and across this state in order to return with said game animals, game birds, fish or any part thereof, to said adjoining state in which said game was taken, shall first procure a permit from a deputy state fish and game warden, or other duly authorized person, so to do and pay therefor the sum of sixty cents ($0.60).*"

Animals taken in adjoining state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 9, 1943.

CHAPTER 227

An Act Providing for the Establishment of a Juvenile Court, as a Part of the District Court; Providing for the Jurisdiction of Such Court; Providing for Trial by Jury; Defining the Words, "The Court, Child, Adult, Delinquent Child"; Providing the Procedure in Children's Cases by Providing for the Apprehension, Custody, and Disposition of Delinquent Children or Delinquent Juvenile Persons; Providing the Procedure Against Those Contributing to Delinquency of Children and Designating Parents, Guardians and Other Persons Responsible for the Support and Training of Such Children; Providing the Procedure to Determine Support of Dependents; Providing the Penalty for Non-support of Dependents; Providing the Designation of Judges

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to Hear Proceedings Under This Act; Providing Appointment of Probation Officers, Deputies, Employees; Prescribing the Powers and Duties of the Probation Department; Providing for Foster and Youth Homes and for General Investigations of Persons Coming Under the Jurisdiction of This Act; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Construction and purpose of act.

Section 1. **Construction and Purpose of the Act.** This act shall be liberally construed, to the end that its purpose may be carried out, to-wit: that the care, custody, education, and discipline of the child shall approximate, as nearly as may be, that which should be given the child by its parents, and that, as far as practicable, any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

And that, as far as practicable, in proper cases, that the parents or guardians of such child may be compelled to perform their moral and legal duty in the interest of the child.

The principle is hereby recognized that children under the jurisdiction of the court are wards of the state, subject to the discipline and entitled to the protection of the state, which may intervene to safeguard them from neglect or injury and to enforce the legal obligation due to them and from them.

Definitions.

Section 2. **Definitions.** (1) Whenever the words "the court" are used in this act, they mean the juvenile department of the district court as established by this act.

The word "child" means a person less than eighteen years of age.

The word "adult" means a person eighteen years of age or older.

The singular shall be construed to include the plural, and the plural the singular, and the masculine the feminine, when consistent with the intent of this act.

(2) The words "delinquent child" include:

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(a) A child who has violated any law of the state or any ordinance or regulation of a subdivision of the state.

(b) A child who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian.

(c) A child who is habitually truant from school or home.

(d) A child who habitually so deports himself as to injure or endanger the morals or health of himself or others.

Jurisdiction.

Section 3. **Jurisdiction.** The district courts of the several counties of this state shall have jurisdiction in all cases coming within the terms and provisions of this act. It is provided that the district court shall be called the juvenile court when acting under the juvenile court law.

The court shall have exclusive original jurisdiction in proceedings: (a) Concerning any child within the county who is delinquent; (b) Concerning any person under twenty-one years of age within the county charged with having violated any law of the state or any ordinance of any city or town, prior to having become eighteen years of age; (c) concerning parents who wilfully and knowingly fail to provide their children with proper food, clothing, medical attention, and opportunity to attend school.

When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes twenty-one years of age unless discharged prior thereto. In trials under this act the child or the parent or guardian or other person having the care, custody or control of such child complained against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge of his own motion may call a jury to try such case, except that the jurisdiction of the court shall end if the child is committed to a state institution or agency.

Jury trial.

Information and investigation.

Section 4. **Information; Investigation; Petition.** Whenever any person informs the court that a child is within the provisions of this act, the court shall make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken.

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Thereupon the court may make such informal adjustment as is practicable without a petition, or may authorize a petition to be filed by any person. The proceeding shall be entitled "In the matter of ....., a child under eighteen years of age."

Petition.

The petition shall be verified, alleging briefly the facts which bring said child within the provisions of the act, and stating (1) the name, age, and residence of the child; (2) the names and residences of his parents; (3) the name and residence of his legal guardian, if there be one; (4) the name and residence of the person having custody or control of the child; (5) and the name and residence of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

Section 5. **Citation; Notice; Custody of the Child.** After a petition shall have been filed and after such further investigation as the court may direct, unless the parties hereinafter named shall voluntarily appear, the court

Citation.

shall issue a citation reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so cited shall be other than the parent or the guardian of the child, then the parent or guardian, or both, if in the county, shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing except as hereinafter provided. Citation may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

Notice to parent or guardian.

Service of citation.

Section 6. **Service of Citation.** Service of citation shall be made personally by the delivery of copies thereof to the person cited; provided that if the judge is satisfied that it is impracticable to serve personally such citation or the notice provided in the preceding section, he may order service by registered mail to their last known address, or by the publication thereof, or both, as he may direct. It shall be sufficient to confer jurisdiction if service is effected at least twenty-four hours before the time fixed in the citation for the return thereof.

Service of citation, process or notice required by this

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act may be made by any suitable person under the direction of the court.

For all necessary travel incident to his official duties in connection with the investigation, supervision, and transportation of children, the probation officer shall, in addition to his official salary, be reimbursed for actual expenses incurred.

Section 7. **Failure to Obey Citation; Warrant.** If any person cited as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the citation cannot be served, or the parties served fail to obey the same, or in any case where it shall be made to appear to the judge that the service will be ineffectual or the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued against the parent or guardian or against the child himself.

Failure to obey citation.

Warrant.

Section 8. **Release of Children Taken Into Custody.** Whenever any officer takes a child into custody, he shall, unless it is impracticable, or has been otherwise ordered by the court, accept the written promise of the parent, guardian, or custodian to bring the child to the court at the time fixed. Thereupon such child may be released in the custody of a parent, guardian, or custodian. If not so released, such child shall be placed in the custody of a probation officer or other person designated by the court, or taken immediately to the court, or place of detention designated by the court, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court. The court may make a general order designating such place of detention.

Release of children taken into custody.

In the case of any child whose custody has been assumed by the court and pending the final disposition of the case, the child may be released in the custody of a parent, guardian or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not released as herein provided, such child, pending the hearing of the case, shall be detained in such place of detention as shall be designated by the court, subject to further order.

Nothing in this act shall be construed as forbidding any peace officer, police officer, or probation officer from

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Immediate custody of child may be taken by officers, when.

immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or welfare, unless immediate action is taken. In every such case the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided in this act.

Section 9. **Transfer From Other Courts.** If, during the pendency of a criminal or quasi-criminal charge against any person in any other court, it shall be ascertained that said person was under the age of eighteen years at the time of committing the alleged offense, it shall be the duty of such court to transfer such case immediately, together with all papers, documents, and testimony connected therewith, to the juvenile court. The court making the transfer shall order the child to be taken forthwith to the place of detention designated by the juvenile court or to that court itself, or release such child in the custody of some suitable person, to appear before the juvenile court at a time designated. The juvenile court shall thereupon proceed to hear and dispose of such case in the same manner as if it had been instituted in that court in the first instance.

Transfer from other courts.

Section 10. **Hearing; Judgment.** The court may conduct the hearing in an informal manner, and may adjourn the hearing from time to time. In the hearing of any juvenile case the general public shall be excluded and only such persons admitted as have a direct interest in the case. All cases involving children shall be heard separately and apart from the trial of cases against adults.

Hearing.

If the court shall find that the child is delinquent or otherwise within the provisions of this act, it may by order duly entered proceed as follows:

Judgment.

(1) Place the child on probation or under supervision upon such terms as the court shall determine.

(2) Commit the child to a suitable public institution or agency or to a suitable private institution or agency incorporated under the laws of the state, approved by the state department of public welfare, and authorized to care for children; or to place them in suitable foster homes, approved by the department of public welfare, or the probation department.

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(3) Order such further care and treatment as the court may deem best for the best interests of the child, except as herein otherwise provided.

Effect of commitment or judgment.

No commitment to any institution under this act shall be deemed commitment to a penal institution. No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court except as provided in the preceding section of this act. The disposition of the child or any evidence given in the court shall not be admissible as evidence against the child in any other case or proceeding.

Information to accompany order of commitment.

Whenever the court shall commit a child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning such child.

Form of commitment to industrial school.

Section 11. **Form of Commitment to Industrial School.** Whenever under any of the provisions of this act the court shall order any delinquent child committed to the Montana state industrial school, the form of commitment shall be that prescribed by Section 12503 of Revised Codes of Montana, 1935.

Modification of judgment.

Section 12. **Modification of Judgment; Return of Child to Parents.** Any order of the court may be modified at any time including any order made in the case of a child who has been committed to the custody of a state institution or agency. The court may terminate its jurisdiction at any time for good cause shown.

A parent, guardian, or next friend of a child who has been committed to the custody of an institution, agency, or person, may at any time file with the court a verified petition, stating that such institution, agency, or person, has denied application for the release of the child or has failed to act upon such application within a reasonable time. If the court is of the opinion that an investigation should be had, it may upon such notice to all concerned as the court shall direct, proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parents or guardian or be retained in the custody of the institution or agency.

Return of child to parents.

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Selection of custodial agency.

Section 13. **Selection of Custodial Agency.** In placing a child under any guardianship or custody other than that of its parents, the court shall, when practicable, select a person or an institution or agency governed by persons of like religious faith as that of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertained, then of either of the parents.

Support of child committed to a custodial agency.

Section 14. **Support of Child Committed to a Custodial Agency.** When a child is committed by the court to custody other than that of its parents, and no provision is otherwise made by law for the support of such child, compensation for the care of such child, when approved by order of the court, shall be a charge upon the county, or the appropriate division thereof. But the court may, after giving the parent a reasonable opportunity to be heard, adjudge and order that such parent shall pay in such manner as the court may direct, such sum as will cover, in whole or in part, the support of such child, and if such parent shall wilfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence, or said cost may be collected in a civil action against the parent or parents.

Support of dependents.

Section 15. **Support of Dependents.** In any delinquency hearing where it appears that the child's parents are liable for desertion, abandonment, or failure to provide subsistence or care for such child the court may issue a citation or other necessary process to compel the attendance of the child's parents or any other necessary person. If such parent is found guilty of desertion, abandonment, or failure to provide subsistence or care for any person for whose maintenance or care such adult is legally responsible, the court may inquire into and determine his ability to provide for maintenance or care of such person and may direct when, how, and where money for such maintenance or care shall be paid; and in the event that such adult shall wilfully and without just excuse, fail or refuse to pay the same in accordance with the court's order, said person shall be dealt with in accordance with the provisions of law relating to desertion or failure to provide subsistence, or such adult may be proceeded against as for contempt of court.

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Penalty for improper and negligent training of children.

Section 16. **Penalty for Improper and Negligent Training of Children.** Any parent or parents, legal guardian, or other person who shall encourage, wilfully cause or contribute to, or through negligence in the care, custody, guidance, education, maintenance, or direction of any child under eighteen years of age, cause or permit such child to violate any law of this state, or the ordinance or ordinances of any city of this state, or to be or become incorrigible, or to knowingly associate with thieves, vicious or immoral persons; or to grow up in idleness or crime, or to knowingly enter a house of prostitution; or to knowingly visit or patronize any place, house, or apartment building where any gambling device is or gambling devices are or shall be operated or run, or where any gambling is done or conducted, or to patronize or visit any saloon or saloons, or dram shop or dram shops, where intoxicating liquors are sold, or to patronize or visit any public poolroom or poolrooms, or bucketshop, or to wander about the streets of any town or city in the night-time, without being on lawful business or occupation, or to habitually wander about or visit any railroad yards or tracks, or to jump or hook on to any moving train or to enter any car or engines, without lawful authority; to use habitually any vile, obscene, vulgar, profane, or indecent language, or to be guilty of immoral conduct in any public place, or about any schoolhouse or grounds, or keep or permit it in or about any saloon or place where spirituous liquors or intoxicating liquors are sold, or in any gambling house or place where gambling is practiced, or in a house of ill fame or prostitution; or to become addicted to the use of spirituous and intoxicating liquors not for medicinal purposes prescribed by a physician; shall be guilty of a misdemeanor and upon trial and conviction thereof shall be fined in a sum not less than ten dollars ($10.00) and not to exceed one thousand dollars ($1,000.00), or imprisonment in the county jail for a period not exceeding nine (9) months, or by both such fine and imprisonment.

Suspension of sentence —bond.

Section 17. **Suspension of Sentence; Bond.** The court may suspend any sentence for the violation of the provisions of the preceding section or release any person sentenced under this act from custody upon condition that such person shall furnish a good and sufficient bond or undertaking to the State of Montana, in such penal sum, not exceeding three thousand dollars ($3,000.00), as the

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court shall determine, upon conditions to be prescribed or imposed by the court, as seems most calculated to remove the cause of such delinquency of the child or children, and while such conditions are accepted and complied with by such persons, such sentence may, in the discretion of the court, remain suspended, and such persons shall be considered on probation in said court; and in case a bond is given as provided herein, the conditions prescribed by the court may be made a part of the terms and conditions of such bond.

Forfeiture of bond.

Section 18. **Forfeiture of Bond; Execution of Sentence.** Upon failure of any person to comply with the terms and conditions imposed by the court, such bond or the term of probation may be declared forfeited and terminated by the court, and the original sentence executed as though it had never been suspended, and the term of any jail sentence imposed in any such case shall commence from the date of the incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from any such period of incarceration any part of such sentence which may already have been served.

Execution of sentence.

Citation and judgment against surety on bond.

Section 19. **Citation and Judgment Against Surety on Bond.** It shall not be necessary to bring a separate suit to recover the penalty of any such bond forfeited, but the court may cause a citation to issue to the surety or sureties thereon, requiring that he or she appear at a time named therein by the court, which time shall not be less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why judgment should not be entered for the penalty of such bond and execution issue for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and, upon failure to appear or failure to show any sufficient cause, the court shall enter judgment in behalf of the State of Montana, against the surety or sureties. Any moneys collected or paid upon any such execution or in any case upon said bond, shall be turned over to the county treasurer of the county in which such bond is given, to be applied to the care and maintenance of children committed under the provisions of this act.

Designation of judge.

Section 20. **Designation of Judge.** In districts where there are more than one judge, one of the judges shall be designated to act as the judge who shall hear all proceed-

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ings under this act; provided that in districts where judges are required to travel from one county to another, either one of the judges may act.

Probation officers—appointment, removal, salaries.

Section 21. **Probation Officers; Appointments; Removal; Salaries.** In every judicial district of the State of Montana the judge thereof having jurisdiction of juvenile matters shall appoint one discreet person of good moral character, who shall be known as the chief probation officer of such district and who shall hold his office until removed by the court. Such officer shall receive for his services such sum as shall be specified by the court upon appointment, provided that the judge of the district court may employ him on a yearly salary not to exceed two thousand four hundred dollars ($2,400.00), or on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The salary of such officer shall be apportioned among and paid by each of the said counties in which said officer shall be appointed to act, in proportion to the assessed valuation of such counties for the year then current, except that where such official is appointed for one county, his salary shall be paid by that county. In the absence of such appointment of chief probation officer, it shall be the duty of the sheriff of the county to perform all the duties of the chief probation officer in this act enumerated without additional compensation, as directed by the court.

The judge having jurisdiction of juvenile matters may also appoint such additional persons to serve as deputy probation officers and stenographers as the judge deems necessary; their salaries to be fixed by the judge at the time of appointment, provided that such salaries shall not exceed eighteen hundred dollars ($1,800.00) per year.

Probation department, duties and powers of.

Section 22. **Duties and Powers of the Probation Department.** The chief probation officer, under the direction of the judge, shall have charge of the work of the probation department. The probation department shall make such investigations as the court may direct, keep a written record of such investigations and submit the same to the judge, or deal with the same as the judge may direct. The department shall furnish to any person placed on probation a written statement of the conditions of probation, and shall keep informed concerning the conduct and condition of each person under its supervision, and

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shall report thereon to the judge as he may direct. Each probation officer shall use all suitable methods to aid persons on probation and bring about improvement in their conduct and condition. The probation department shall keep full records of its work, and shall keep accurate and complete accounts of money collected from persons under its supervision, and shall give receipts therefor and shall make reports thereupon as the judge may direct. Probation officers, for the purpose of this act, shall have the powers of police officers.

All information obtained in discharge of official duty by any officer or other employee of the court shall be privileged and shall not be disclosed to anyone other than the judge and others entitled under this act to receive such information, unless and until otherwise ordered by the judge.

Bond of chief probation officer.

Section 23. **Bond of the Chief Probation Officer.** In each judicial district or county having a chief probation officer, such officer shall be required to furnish to the State of Montana a bond in the sum of one thousand dollars ($1,000.00) for the faithful performance of his duties.

Physical and mental examinations.

Section 24. **Physical and Mental Examinations and Treatment.** The court may cause any person coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist, appointed by the court.

Whenever a child, concerning whom a petition has been filed, appears to be in need of medical or surgical care, the court may order the parent, guardian or custodian to provide treatment for such child in a hospital or otherwise. If such parent, guardian, or custodian fails to provide such treatment, the court may, after due notice, enter an order therefor, and expense thereof, when approved by the court, shall be a charge upon the county; but the court may adjudge that the person or persons having the duty under the law to support such child pay part or all of the expenses of such treatment in the manner provided in a preceding section of this act.

Treatment.

Place of detention.

Section 25. **Place of Detention.** No child under eighteen years of age shall be placed in or committed to any prison, jail, or lockup, nor be detained nor transported in association with criminal, vicious, or dissolute persons, provided, that a child whose habits or conduct are deemed to be

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such as to constitute a menace to other persons may, with the consent of the judge or chief probation officer, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults.

Provision shall be made for the temporary detention of children in a detention home to be conducted as an agency of the court, or the court may arrange for the boarding of such children temporarily in foster homes, subject to the supervision of the court, or may arrange with an incorporated institution or agency or the department of public welfare for temporary care of children within the jurisdiction of the court.

Section 26. **Foster Homes; Youth Home.** In each county the chief probation officer with the approval of the judge, shall select a number of family homes, to be known as foster homes, where delinquent children may be placed permanently or temporarily while disposition is being made. It shall be the duty of the county commissioners to provide funds for payment of such foster parents at a rate to be determined by the court judge.

Foster homes.

In all counties the county commissioners may provide by purchase, lease, or otherwise, a place to be known as the youth home, which shall not be used for the confinement of adult persons charged with criminal offenses, where delinquent children may be detained until final disposition, which place shall be maintained by the county as in other like cases. The judge having jurisdiction may appoint a superintendent and a matron, who shall have charge of said home and of the children detained therein.

Youth home.

Such superintendent and matron shall be a suitable and discreet person, qualified as teacher of children. Such home shall be furnished in a comfortable manner, as nearly as may be as a family home. The compensation of such superintendent and matron shall be fixed by the court, and such compensation and the maintaining of such home shall be paid out of the county treasury.

Superintendent and matron.

Section 27. **Juvenile Court Committee.** In every county of the state the judge having jurisdiction may appoint a committee, willing to act without compensation, composed of seven reputable citizens of both sexes, which committee shall be designated as a juvenile court committee; this committee shall be subject to the call of the judge

Juvenile court committee.

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to meet and confer with him on all matters pertaining to the juvenile department of the court, and shall act as a supervisory committee of detention homes, and in the selection of foster homes.

County attorney to prosecute.

Section 28. **County Attorney to Prosecute.** It shall be the duty of the county attorney to assist the probation officer or other person acting in that capacity in investigating all complaints under this act, and to prosecute all persons charged with violating any of the provisions of this act, when requested by the court.

Appeals.

Section 29. **Appeals.** In the case of a child an appeal to the supreme court may be taken by the party aggrieved in the manner provided by law or by rule of court for appeal in civil cases. In any case charging an adult with contributing to the delinquency of a child, an appeal may be taken to the supreme court in the manner provided by law or by rule of court for appeal in criminal cases. In any other case against an adult coming under this act an appeal may be taken to the supreme court in the manner provided by law or by rule of court for appeal in civil cases. An appeal, in the case of a child, shall not suspend the order of the court, nor shall it discharge the child from the custody of that court or of the person, institution, or agency to whose care such child shall have been committed, unless that court shall so order. If the supreme court does not dismiss the proceedings and discharge the child, it shall affirm or modify the order of the district court and remand the child to the jurisdiction of the district court for supervision and care, and thereafter the child shall be and remain under the jurisdiction of the district court in the same manner as if such court had made said order without an appeal having been taken.

County commissioners authorized to provide funds.

Section 30. **County Commissioners Authorized to Provide Funds.** The county commissioners of all counties are hereby authorized, empowered, and required to provide the necessary funds and to make all needful appropriations to carry out the provisions of this act.

Constitutionality.

Section 31. **Constitutionality.** If any section, subdivision, or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining sections of this act.

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Section 32. **Repeal.** All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 33. **Other State Institutions Not Affected.** Nothing in this act shall be construed to repeal any portion of the acts relating to the industrial and vocational schools, or the act or acts relating to the bureau of child and animal protection, or the public welfare act. Other state institutions not affected.

Approved March 9, 1943.

CHAPTER 228

An Act to Provide for the Registration of Commercial Feeds by the Commissioner of Agriculture, Labor and Industry; to Provide for Guarantees of the Ingredients and Affixing Labels; to Provide for Defraying Expenses; to Provide for the Analysis of Said Feeds by the Agricultural Experiment Station of Montana State College; to Prohibit Sale of Fraudulent or Adulterated Commercial Feeds; to Fix Penalties for the Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term "Commercial Feeds" shall be held to include all materials used for feeding animals or poultry, except the following: "Commercial feeds" defined.

(a) Unmixed whole seeds or grains;

(b) The mixed or unmixed meals made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kafir, milo, feeds from oil seeds, and other seeds or grains;

(c) Whole, chopped or ground hays, straws, corn stover and silage, when unmixed with other materials;

(d) Feeds sold in small quantities and used solely for household pets except dogs;

(e) Wet beet pulp, barley sprouts, and whole screenings.

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Manufacturers and others offering commercial feed for sale required to label each container or lot.

Section 2. All manufacturers, importers, jobbers, firms, associations, corporations or persons shall before selling or offering for sale in this state any brand of commercial feed, including wheat bran and wheat middlings straight or mixed, have printed on, or attached to each bag, package, carton or delivered with each bulk lot a plainly printed statement, hereafter referred to as the label, in a conspicuous place on the outside, containing a legible and clerly printed statement in the English language clearly and truly stating:

Label, contents of.

(a) The net weight of the contents of the package, bag, carton or bulk lot;

(b) The brand or trade name of the feed;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum percentage of crude protein;

(e) The minimum percentage of crude fat;

(f) The maximum percentage of crude fiber;

(g) The name of each ingredient used in its manufacture;

Official names of ingredients.

The official names of all materials which have been so defined by the association of American feed control officials, shall be used in the declaration of the names of ingredients required by the provisions of this act;

Mixed feeds.

(h) In the case of mixed feeds containing more than a total of ten per cent of one or more mineral ingredients, or other unmixed materials used as mineral supplements, and in the case of mineral feeds, mixed or unmixed, which are manufactured, represented and sold for the primary purpose of supplying mineral deficiencies in rations for animals or poultry, and containing mineral ingredients generally regarded as dietary factors essential for normal nutrition, the minimum percentage of calcium (Ca), phosphorous (P) or iodine (I) and the maximum percentage of salt (NaCL), if the same be present. Provided that if no nutritional properties other than those of a mineral nature be claimed for a mineral feed product, the percentums of crude protein, crude fat and crude fiber may be omitted;

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(i) In the case of feeds containing for their principal claim dietary factors in forms not expressible by the foregoing, such claims shall be expressed in a manner designated and in effect at the time by resolutions adopted by the association of American feed control officials; Dietary feeds.

(j) In all cases the true percentage of salt shall be indicated. Salt content.

Section 3. Before any manufacturer, importer, firm, association, jobber, corporation or person shall sell, offer or expose for sale or distribute in this state any brand of commercial feed, he or they shall make application for registration and file with the commissioner of agriculture, labor and industry, hereinafter referred to as the commissioner, a certified copy of the statement as specified in Section 2, with the exception of sub-division (a), for each brand or formula of commercial feed; said application shall be accompanied when the commissioner shall so request, by a certified copy of the label and/or a sealed package containing at least one pound of the commercial feed to be registered in this state, and the company or person furnishing said sample shall thereupon make an affidavit that the said sample is representative of the commercial feed offered for registration. If such application for registration appears to meet the requirements of this act, the commissioner shall issue a certificate of registration for such brand or commercial feed, which registration shall expire December 31st following its date of issuance. Registration of brand or formula.

Section 4. Each and every manufacturer, importer, jobber, firm, association, corporation, or person selling, or distributing any commercial feeds as defined in Section 1 of this act shall pay annually to the commissioner a registration fee of $2.00 for each brand or feed formula registered. Fees so collected shall constitute a fund for the payment of the cost of inspections, sampling, analyses, and other expenses necessary for putting into effect the provisions of this act. When feed is sold in bulk or in packages belonging to the purchaser, the manufacturer, importer, jobber, firm, association, corporation or person so selling shall furnish the purchaser with a card or cards upon which appears the statement required by the provisions of Section 2. Fee payable. Disposition of fees collected. Feed sold in bulk.

The registration fee and tax as provided in this section

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Feeds mixed according to formula furnished by consumer.

shall not apply to any feed mixed according to a formula furnished by a consumer or purchaser nor to the grains furnished by the consumer or purchaser which may be ground for his own personal use. Any feed mixed to a formula furnished by a consumer or purchaser which finds general use in a community shall be registered as a brand and subject to all provisions of this act.

Power of commissioner to refuse to register feeds in certain cases.

Section 5. The commissioner shall have power to refuse to register any commercial feed under a brand or trade name which would be misleading or deceptive, or which tends to mislead or deceive as to the materials of which it is composed, or when the recognized official name of each and all ingredients used in its manufacture are not stated. He shall also have the power to refuse to register more than one commercial feed under the same name when offered by the same manufacturer. Should any commercial feed be registered in this state, and it is afterward discovered that such registration was in error or is in violation of any of the provisions of this act, the commissioner shall have the power to cancel such registration. The commissioner shall have the power to refuse to allow any manufacturer, importer, jobber, firm, association, corporation or person to lower the guaranteed analysis or change the ingredients of any brand of his or their commercial feeds during the term for which registered, unless satisfactory reasons are presented to the commissioner for making such change or changes.

Duty of the chemist of the agricultural experiment station of Montana State College to test samples.

Section 6. At the request of the commissioner of agriculture, labor and industry, the chemist of the agricultural experiment station of Montana state college, or his deputy, shall obtain at least one (1) sample of each brand or formula of commercial feed found sold, offered or exposed for sale or distributed in this state and shall make such analyses and tests as may be required to determine whether or not said feeds conform to the provisions of this act. For the purposes of collecting such samples, the said chemist, or his deputy is authorized to have free access during regular business hours to all places of business, mills, buildings, carriages, cars, and parcels of whatsoever kind used in this state in the manufacture, transportation, importation, sale, or storage of commercial feeds, and shall have the power and authority to open any parcel containing or supposed to contain any commercial feeds and to take therefrom, samples for an-

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alysis, all such samples must be composites of equal portions of at least five (5) original packages, or of at least five (5) portions from a bulk lot, taken in such manner as to be truly representative of the lot being sampled. Such samples shall be thoroughly mixed and immediately placed in containers which exclude air. Any sample, if requested, shall be divided into two parts, and shall be placed in suitable containers and sealed, and one of said containers so sealed, if requested, shall be delivered to the person in charge of such feeds. The said chemist shall analyze or cause to be analyzed, such samples as are collected, in accordance with the methods of analysis in effect at the time by the association of official agricultural chemists of North America, and the result of analysis, together with such additional information as the said chemist may deem advisable, shall be transmitted promptly to the commissioner of agriculture, labor and industry to the manufacturer, and to the dealer or person in whose possession the product was sampled, and shall be published in reports or bulletins from time to time. The manufacturer or person responsible for the placing of any commodity so sampled upon the market, or the dealer or person in whose possession the feed was found, shall upon request to the said chemist, within ten (10) days after report is mailed, be furnished with a portion of the official sample.

Duty of chemist. (Continued).

Section 7. The chemist, under the supervision of the director of the agricultural experiment station of Montana state college at the request of the commissioner of agriculture, labor and industry may employ such agents as are deemed necessary to each year inspect, sample, and make analysis of commercial feeds as provided in this act, and the salaries and necessary expenses of such agents, including chemicals, supplies, equipment, and traveling expenses, together with the costs of publishing the reports of such inspections and analyses shall be paid out of moneys collected as registration fees provided in Section 4. Said salaries and expenses are to be paid upon verified claims filed with and audited by the commissioner of agriculture, labor and industry, and by him presented for allowance by the state board of examiners, in the same manner as all claims contracted for and in behalf of the State of Montana.

Chemist authorized to employ necessary agents.

Salaries and expenses payable out of moneys collected as fees.

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Violation of act—notice, hearing and report to prosecuting attorney.

Section 8. If it shall appear from the examination of any sample of feed that any of the provisions of this act have been violated, the commissioner shall cause notice of such violation to be given to the manufacturer and the dealer from whom said sample was taken; any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the commissioner. After such hearing, if it appears that any of the provisions of this act have been violated, the commissioner may certify the facts to the proper prosecuting attorney and furnish that officer with a copy of the results of the analysis or other examination of such sample, duly authenticated by the analyst or other officer making the examination, under the oath of such officer.

Offenses and penalties.

Section 9. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or expose for sale, or distribute in this state, any commercial feeds without having attached thereto or furnished therewith such labels as required by the provisions of this act, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said commissioner or his authorized agent in the performance of his duty in connection with the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeds as defined in Section 1, without complying with the requirements of the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feed which contains a smaller percentum of crude protein, crude fat, calcium, phosphorus, or iodine, or a larger percentum of crude fiber or salt than is certified to be contained therein, or who shall fail to properly state the name of each and every ingredient used in its manufacture, or who shall sell any commercial feed which carries any false or misleading statements upon or attached to the package, or if false or misleading statements regarding its feeding value are made on the package by the corporation, firm or individual registering said commercial feed, or if the number of net pounds set forth upon the package is not correct, or who shall violate any other provision of this act, shall be deemed guilty of a violation of the provisions of this act and upon conviction thereof shall be fined not more than twenty-five ($25.00) dollars for the first violation and not less than one hundred ($100.00)

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dollars for each subsequent violation. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell or distribute any feeds mixed or adulterated with any substance or substances injurious to the health of live stock or poultry shall be deemed guilty of a violation of the provisions of this act and in addition to the penalty provided in this section, the lot of feeds shall be subject to seizure by judicial court action, condemnation and disposition as the court may direct, the proceeds from such sale to be covered into the state treasury. The court may in its discretion release the feeds so seized when the requirements of the provisions of this act have been complied with, and upon payment of all costs and expenses incurred by the state in any proceedings connected with such seizure.

Condemnation of feeds injurious to health of livestock or poultry.

Section 10. The commissioner of agriculture, labor and industry is hereby empowered to enforce the provisions of this act, and to prescribe and enforce administrative rules and regulations which shall be in harmony with the provisions of this act and the official pronouncements of the association of American feed control officials.

Commissioner to enforce act and prescribe rules.

Section 11. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

Section 12. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Severability.

Section 13. This act shall be in full force and effect beginning January 1, 1944.

Effective date.

Approved March 12, 1943.

CHAPTER 229

An Act to Amend Section 2917 of the Revised Codes of Montana, 1935, Relating to Medical, Hospital and Other Services Furnished to Injured Workmen Under the Workmen's Compensation Act, and Authorizing the Industrial Accident Board, in Its Discretion to Order

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That Artificial Members Be Supplied in Certain Cases to Injured Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2917 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 2917. **Medical and Hospital Services and Such Other Treatment as Approved by the Board, to Be Furnished.** During the first nine (9) months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of five hundred dollars ($500.00), unless the employee shall refuse to allow them to be furnished, and unless such employee is under hospital contract as provided in Section 2907 of this act.

Medical and hospital services and such other treatment as approved by the board, to be furnished.

"When such employee is under a hospital contract as above and when hospital or medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee, may, anytime, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

"*And be it further provided, that where an injury arising out of and received in the course of employment necessarily results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the industrial accident board may, in its discretion, order that an artificial member be furnished to supply the loss of any such member or members so lost. Such artificial member shall be furnished at the expense of the employer, operating under plan one, or the insurer, operating under plan two, or the industrial accident fund where the employer is operating under plan three. The expense of furnishing any such member shall not exceed the following amounts: Hand or arm to elbow —one hundred fifty dollars ($150.00). Arm above elbow —one hundred seventy-five dollars ($175.00). Foot or*

Artificial limb or other member may be furnished.

Expense limited.

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leg—one hundred fifty dollars ($150.00). Eye—ten dollars ($10.00). Teeth—one hundred twenty-five dollars ($125.00). The replacement of any such artificial member so furnished shall not be required unless made necessary by a subsequent industrial accident arising out of and suffered in the course of employment."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1943.

CHAPTER 230

An Act to Amend Section 2839, Revised Codes of Montana of 1935, Relating to the Election of Employer and Employee to Come Under the Act, and Relating to Action Against Third Party Causing the Injury.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2839 of the Revised Codes of Montana of 1935, shall be, and the same is hereby amended to read as follows:

Election of employer and employee to come under act.

"Section 2839. **Election of Employer and Employee to Come Under Act—Action Against Third Party Causing Injury.** Where both the employer and employee have elected to come under this act, the provisions of this act shall be exclusive, and such election shall be held to be a surrender by such employer and such employee, as between themselves, of their right to any other method, form or kind of compensation, or determination thereof, or to any other compensation, or kind of determination thereof, or cause of action, action at law, suit in equity, or statutory or common-law right or remedy, or proceeding whatever, for or on account of any personal injury to or death of such employee, except as such rights may be hereinafter specifically granted; and such election shall bind the employee himself, and in case of death shall bind his personal representative, and all persons having any right or claim to compensation for his injury or death, as well as the

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Action against third party causing injury.

employer, and those conducting his business during liquidation, bankruptcy or insolvency. Provided, that whenever such employee shall receive an injury while performing the duties of his employment and such injury or injuries, so received by such employee, are caused by the act or omission of some persons or corporations other than his employer, and where the cause of such injury has no direct connection with his regular employment, and does not arise out of or necessarily follow as an incident thereof, then such employee, or in case of his death his heirs or personal representatives, shall, in addition to the right to receive compensation under the workmen's compensation act, have a right to prosecute any cause of action he may have for damages against such persons or corporations, causing such injury. In the event said employee shall prosecute an action for damages for or on account of such injuries so received, he shall not be deprived of his right to receive compensation but such compensation shall be received by him in addition to and independent of his right to bring action for such damages, provided, that in the event said employee, or in case of his death, his personal representative, shall bring such action, then the employer or insurance carrier paying such compensation shall be subrogated *only* to the extent of *either* one-half (½) of the gross amount received by such employee as compensation under the workmen's compensation law, *or one-half (½) of the amount recovered and paid to such employee in settlement of, or by judgment in said action, whichever is the lesser amount.* All expense of prosecuting such action shall be borne by the employee, or if the employee shall fail to bring such action or make settlement of his cause of action within six (6) months from the time such injury is received, the employer of insurance carrier who pays such compensation may thereafter bring such action and thus become entitled to all of the amount received from the prosecution of such action up to the amount paid the employee under the workmen's compensation act, and all over that amount shall be paid to the employee. In the event that the amount of compensation payable under this act shall not have been fully determined at the time such employee shall receive settlement of his action, prosecuted as aforesaid, then the industrial accident board shall determine what proportion of such settlement the insurance carrier would be entitled to receive under its right of subrogation and such finding of the board shall be con-

Subrogation of employer or insurance carrier.

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clusive. Such employer or insurance carrier shall have a lien on such cause of action for one-half (½) of the amount paid to such employee as compensation under the workmen's compensation act *or one-half (½) of the amount recovered and paid to such employee in settlement of, or by judgment in said action, whichever is the lesser amount,* which shall be a first lien thereon."

Repealing clause.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 16, 1943.

CHAPTER 231

An Act Making It Mandatory That Life Insurance Companies Provide An Optional Automatic Premium Loan Provision in All Policies of Life Insurance Hereafter Issued, Whenever Such Policies Have An Accumulated Cash Value Sufficient to Satisfy Said Premium; Providing for Repayment of This Automatic Loan Or Loans, and Providing This Act Shall Not Amend Or Repeal Section 6282 of the Revised Codes of Montana of 1935, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Optional automatic premium loan provision in all policies of life insurance required.

Section 1. No life insurance company, society, association or corporation admitted to transact the business of life insurance in the State of Montana shall, after the passage and approval of this act, issue any contract of life insurance written upon the lives of persons residented, situated, or located in the State of Montana, unless the said policy of life insurance so issued shall include an optional automatic premium loan provision effective whenever such policy or policies have an accumulated cash value sufficient to satisfy said premium and interest thereon.

Section 2. If any premium on said policy or policies of life insurance remains unpaid on the last day of grace after the policy has been in force three (3) full years, the company, unless directed by the insured to apply one

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of the options as set forth in Section 6282 of the Revised Codes of Montana of 1935, shall, without further action of the insured, charge the amount of the premium then due thereunder as a loan against the policy with interest in advance, if the cash value of the policy at the end of the period which such premium would cover is sufficient to secure all indebtedness thereon, including such unpaid premium and interest. The same benefit shall be applied from time to time as premiums become due thereunder, and are not paid, so long as the available cash value is sufficient to pay for one (1) day's insurance on a quarterly premium basis. Provided, further, that the company, society, association or corporation shall notify the assured of the period covered by the said automatic policy loan. The insured may resume the payment of premiums thereon at any time without medical examination while the policy is so continued in force by such premium loans. The indebtedness created hereunder will be subject to the provisions relating to repayment of loans, as provided in the policy.

Unpaid premium to be charged as loan, when.

Section 3. This act in no way shall be construed to amend or repeal the provisions of Section 6282, of the Revised Codes of Montana of 1935, but the provisions hereof shall be deemed additional and supplemental thereto.

Sec. 6282 Rev. Codes not affected.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 16, 1943.

CHAPTER 232

An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to the Constitution of the State of Montana, Making the Terms of Office Four Years for County Auditors, County Attorneys, Justices of the Peace, Constables, and Certain Elective and Appointed Officers, Not Enumerated in Section 4 and 5 of Article XVI of the Said Constitution, as Amended by the Adoption of the Provisions of Chapter 93 of the Session Laws of 1937, so as to Make Such Offices Conform to Such Amendment by the Amendment

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of Sections 19 and 20 of Article VIII and Section 6 of Article XVI of Said Constitution, Relating to the Terms of Office of County Auditors, County Attorneys, Justices of the Peace, Constables and Municipal Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Amendment of Sections 19 and 20, Art. VIII and Section 6, Art. XVI of constitution —submission to electors.

Section 1. That Sections 19 and 20 of Article VIII and Section 6 of Article XVI of the Constitution of the State of Montana, be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1944.

Sec. 19, Art. VIII—amendment.

Section 2. That Section 19 of Article VIII of the Constitution of the State of Montana, be, and the same is hereby amended, so as to read as follows:

County attorney, qualifications and term of office.

"Section 19. There shall be elected at the general election in each county of the state one (1) county attorney, whose qualifications shall be the same as are required for a judge of the district court, except that he must be over twenty-one (21) years of age, but need not be twenty-five (25) years of age, and whose term of office shall be four (4) years, and until their successors are elected and qualified. He shall have a salary to be fixed by law, one-half (½) of which shall be paid by the state, and the other half by the county for which he is elected, and he shall perform such duties as may be required by law."

Sec. 20, Art. VIII—amendment.

Section 3. That Section 20 of Article VIII of the Constitution of the State of Montana, be, and the same is hereby amended, so as to read as follows:

Justices of the peace, number of, term of office and jurisdiction.

"Section 20. There shall be elected in each organized township of each county by the electors of such township at least two (2) justices of the peace, who shall hold their offices, except as otherwise provided in this Constitution, for the term of four (4) years. Justices' court shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this Constitution otherwise provided; provided, that they shall not have jurisdiction in any case where the debt, damage, claim or value of the property involved exceeds the sum of three hundred dollars ($300.00). There shall also be elected in each organized township of each county, by the

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Constables.

electors of such township, at least two (2) constables, who shall hold their offices for a term of four (4) years."

Sec. 6, Art. XVI—amendment.

Section 4. That Section 6 of Article XVI of the Constitution of the State of Montana, be, and the same is hereby amended so as to read as follows:

Power of legislative assembly to provide for election of county auditor and/or appointment of other county, township, precinct and municipal officers.

"Section 6. The legislative assembly may provide for the election *of county auditors and/*or appointment of such other county, township, precinct and municipal officers as public convenience may require and their terms of office shall be as prescribed by law, not in any case to exceed *four (4)* years, except as in this Constitution otherwise provided."

Amendment submitted to electors.

Section 5. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided by Section 678 of the Revised Codes of Montana, 1935, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

Ballot.

☐ For the above amendment.

☐ Against the above amendment.

The elector shall designate his preference for either of the propositions by marking an "X" before the proposition for which he desires to vote.

Adoption of amendment to be proclaimed by governor.

Section 6. The vote cast for and against the amendment herein proposed shall be counted, canvassed and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation, and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Deposited with the secretary of state March 16, 1943 by the governor without approval.

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CHAPTER 233

An Act to Amend Section 4, Subsections (c) and (d); Section 6, Subsection (f); Section 14, Subsections (a) and (d) and Providing for the Enactment of a New Subsection to Be Known as Subsection (f); Section 15, Subsection (d); Section 19, Subsections (j), (k), (m), and (p) of Chapter 137 of the Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana, 1937, as Amended by Chapters 137 and 167 of the Session Laws of the Twenty-sixth Legislative Assembly of the State of Montana, 1939, and Further Amended by Chapter 164 of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana, 1941, and Providing for the Enactment of New Sections to Be Designated as Sections 11-A and 11-B, Relating to the Acquisition of Equipment and Property by the Commission and Opposing Federalization; All of the Above Being Amendments to the Unemployment Compensation Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4, s. s. (c) and s. s. (d), Chap. 137, Laws of 1937 amended.

Section 1. That Section 4, subsection (c) and subsection (d) of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 137 of the Session Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, and further amended by Chapter 164 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana 1941, be, and the same is hereby amended to read as follows:

"BENEFIT ELIGIBILITY CONDITIONS

Benefit eligibility conditions.

"Section 4. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that—

"(c) He is able to work and is available for work *and is seeking work*.

Waiting period.

"(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of two (2) weeks. No week shall be counted as a week of total unemployment for the purposes of this subsection:

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"(1) If benefits have been paid with respect thereto;

"(2) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of subsections (b) and (e) of this section;

"(3) Unless it occurs within the benefit year of the claimant, provided, however, that where a claimant has had a period of employment over a period of thirteen (13) consecutive weeks and again becomes unemployed in such benefit year, then in that event such claimant shall be required to serve another waiting period of two (2) weeks; however, if claimant has served one waiting period and has received benefits and is again employed for a period of less than thirteen (13) consecutive weeks in duration and claimant again becomes unemployed, he may receive benefits without serving an additional waiting period, provided the employment accepted, which was less in duration than thirteen (13) consecutive weeks, was not with the same employer. In no instance shall a claimant be required to serve more than two (2) waiting period weeks in addition to the two (2) waiting period weeks served at the beginning of the benefit year; *provided further that where a claimant has served a two (2) week waiting period within the thirteen (13) consecutive week period at the end of his benefit year and is continuously unemployed, such claimant shall not be required to serve any waiting period weeks at the beginning of a new benefit year; provided further that the provisions of this paragraph shall be in effect only until March 1, 1945.*"

Sec. 6, s. s. (f), Chap. 137, laws of 1937, amended.

Section 2. That Section 6, subsection (f) of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana 1937, be, and the same is hereby amended to read as follows:

"CLAIMS FOR BENEFITS

"Section 6.

Claims for benefits —procedure.

"(f) Procedure. The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the commission for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules or procedure. A full and complete record

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shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed. *The commission shall have continuing jurisdiction over all claims filed for benefits to revise, modify, alter, cancel and amend all orders, findings and determinations made therein at any time and shall not lose such jurisdiction unless and until the jurisdiction of such claim and subject matter thereof has been taken by a court of competent jurisdiction in a proceedings filed therein as provided for in subsection (i) of this section."*

Sec. 14, s. s. (a) and s. s. (d), Chap. 137, laws of 1937 amended.

Section 3. That Section 14, subsection (a) and subsection (d) of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 137 of the Session Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, and further amended by Chapter 164 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, 1941, be and the same is hereby amended to read as follows; and that Section 14 be further amended by adding thereto a new subsection (f);

"COLLECTION OF CONTRIBUTIONS

Collection of contributions —penalty and interest on past due contributions.

"Section 14. (a) *Penalty and* **Interest on Past Due Contributions.** Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall *be subject to a penalty assessment of five percentum (5%) or five dollars ($5.00), whichever is the greater, and shall* bear interest at the rate of *one half of one percentum (½ of 1%) per month from and after such date until payment plus accrued interest and penalty is received by the commission. No interest shall be charged for fractional part of a month.* Interest *and penalty* collected pursuant to this subsection shall be paid into the unemployment compensation fund. *When failure to pay contributions in time and before delinquency was not caused by wilful intent of the employer, and for good cause shown, the commission may abate the penalty and interest, as a compromise offer of settlement and payment of the tax liability.*

Refunds.

"(d) Refunds. If not later than three (3) years after the date on which any contributions or interest thereon became due, an employer who has paid such con-

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tributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the commission shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commission's own initiative. *In the event that this act is not certified by the social security board under Section 1603 of the internal revenue code as amended, 1939, for any year, then and in that event, refunds shall be made of all contributions required under this act from employers for that year.*

Summary or jeopardy assessment.

"(f) *Summary or Jeopardy Assessment. If any employer fails to file a report or return as required under this act, or the regulations of the commission adopted thereunder, within the time specified, the commission may make a summary or jeopardy assessment, of the amount due by making up such report and determining the amount of contributions due and owing to the fund upon the basis of such information as the commission may be able to obtain, and thereupon the same shall be collected the same as other reports and contributions due, with penalty and interest as provided in this act. Upon making such summary or jeopardy assessment, the commission shall immediately notify the employer in writing by personal service or by registered mail in the usual course, at the last known principal place of business operated by the said employer. Such assessment shall be final unless the employer shall protest such assessment in writing within fifteen (15) days after service of the notice, or within the same period of time the said employer shall file a correct, signed and sworn report and statement as provided by the act and the regulations of the commission. Upon written protest being filed as above set forth, a day certain for the hearing thereof shall be fixed by the commission and notice thereof mailed to the employer. At such hearing, the facts ascertained by the commission shall be conclusive and the commission may upon the basis of such facts ascertained*

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assess the amount due, modify, set aside or revise the prior assessment and require the employer to pay the amount due with penalty and interest as provided for in this act. A copy of the decision of the commission and the assessment of the amount due shall be mailed to the employer at his last known principal place of business and thereupon become final.''

Sec. 15, s. s. (d), Chap. 137, Laws of 1937 amended.

Section 4. That Section 15, subsection (d) of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 164 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, 1941, be and the same is hereby amended to read as follows:

''PROTECTION OF RIGHTS AND BENEFITS

Protection of rights and benefits of person in armed forces of the United States.

''Section 15. (d) Any individual who is inducted or enlisted in the armed forces of the United States, shall not be considered as unemployed for the purposes of this act. Wage records accumulated by an individual who is inducted or enlisted in the armed forces of the United States, shall be maintained intact by the commission during the period of time such individual is in the service and for ninety (90) days thereafter. The 'base period' for benefit purposes of such individual shall be fixed and determined as of the date of such enlistment or induction into service. The wage records of such individuals shall thereupon be segregated by the commission and be maintained until the ending of such military service by the individual. Upon completing the period of service in the armed forces or discharge therefrom and upon fulfilling the eligibility requirements of Section 4 (a), (b), (c) and (d), the said individual shall be entitled to benefits under this act provided the wage credits earned by such individual prior to military service are sufficient and within the 'base period' as above set out to establish eligibility under Section 4 (c). If by an act of congress or federal legislation unemployment compensation benefits or similar benefits should be established for individuals in service, the commission is hereby authorized and instructed to co-operate in such manner as may be deemed advisable and expedient in order to carry out the purpose of this act.''

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Sec. 19, subsections (a), (j), (k), (m) and (p), Chap. 137, Laws of 1937 amended.

Section 5. That Section 19, subsections (a), (j), (k), (m) and (p) of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 137 of the Session Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, and further amended by Chapter 164 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, 1941, be, and the same is hereby amended to read as follows:

"DEFINITIONS

Definitions.

"Section 19. As used in this act, unless the context clearly requires otherwise:

"(j) (5) (B) Such service is either outside the usual course of *the* business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

"(6) (I) *Services performed in the delivery and distribution of newspapers or shopping news from house to house and business establishments by an individual under the age of eighteen years, but not including the delivery or distribution to any point or points for subsequent delivery or distribution.*

"Employment office".

"(k) 'Employment office' means a free public employment office, or branch thereof, operated by this state or maintained as a part of a state-controlled system of public employment offices, *or such other free public employment offices operated and maintained by the United States government, or its instrumentalities, as the commission may approve.*

"State".

"(m) 'State' includes, in addition to the states of the United States of America, Alaska, Hawaii, the District of Columbia, *and the Dominion of Canada.*

"Wages".

"Provided, however, that the term 'wages' shall not include—

"(1) The amount of any payment made to, or on behalf of, an employee by an employer on account of:

"(A) Retirement, or

"(B) Sickness or accident disability, or

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"(C) Medical and hospitalization expenses in connection with sickness or accident disability, or

"(D) Death.

"(E) Services performed for a fraternal benefit society, lodge, order, service club or association having a total annual pay roll of less than five hundred dollars ($500.00) in any calendar year."

Section 6. That new sections to be designated as Sections 11-A and 11-B of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 137 and Chapter 167 of the Session Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, and further amended by Chapter 164 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, 1941, be, and the same is hereby added to read as follows:

New sections added to Chap. 137, Laws of 1937.

"ACQUISITION OF PROPERTY, ETC.

"Section 11-A. Acquisition of Property, etc. Subject to the approval of the state board of examiners the commission may purchase such equipment, supplies, and real property as it may deem necessary and proper. The title to any real property purchased shall be taken in the name of the State of Montana. In the event the duties, or any part thereof, of the commission shall be at any time in the future surrendered to or taken over by the federal government or any agency thereof, the commission, with the approval of the state board of examiners, may lease such equipment and real property to the federal government, or such agency, but the title thereto shall remain in the State of Montana.

Acquisition of property, etc.

"Section 11-B. The commission shall afford reasonable cooperation with any government agency charged with war effort or post-war planning responsibilities or with the administration of any system of unemployment allowances or unemployment assistance or of any program designed to prevent or relieve unemployment. The commission may make, and may cooperate with other appropriate state agencies in making studies as to the practicability and probable cost of possible new state-administered social security programs; and the relative desirability of state (rather than national) action in any such field. The commission shall fully cooperate with the agencies of other

Cooperation by commission with federal and state agencies.

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states, and shall make every proper effort within its means, to oppose and prevent any further action which would in its judgment tend to effect complete or substantial federalization of state unemployment compensation funds or state unemployment compensation and employment security programs, or any part of the social security program."

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1943.

CHAPTER 234

An Act to Amend Sections 715, 716, 717, 718, 720, 721, 722, 723, 724, 725, 726, 727, 728, 730, 731, 733, and 734, Revised Codes of Montana, 1935, Relating to a Method of Voting by Electors Who Are Absent or Expect to Be Absent From the County in Which They Are Electors or Who Are Physically Incapacitated or Who, in All Probability, Will Be Physically Incapacitated From Attending the Polls on the Day of Election and Making Regulations Regarding Such Voting.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 715, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Voting elector when absent from place of residence or physically incapacitated from going to polls.

"715. **Voting by Elector When Absent From Place of Residence** *or Physically Incapacitated From Going to Polls.* Any qualified elector of this state, having complied with the laws in regard to registration, who is absent from the county *or who is physically incapacitated from attending the precinct poll* of which he is an elector on the day of holding any general or special election, or primary election for the nomination of candidates for such general election, or any municipal general, special or primary election, may vote at any such election as hereinafter provided."

Section 2. That Section 716, Revised Codes of Mon-

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tana 1935, be, and the same hereby is amended to read as follows:

Application of absentee or physically incapacitated person for ballot.

"716. **Application of Absentee** *or Physically Incapacitated Person* **for Ballot.** At any time within thirty (30) days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated *or who as a result of physical incapacity, in all probability will be unable to attend his voting precinct poll as made to appear by the certificate of a physician licensed under the laws of Montana, plainly stating the nature of the physical incapacity of the applicant, and certifying (a) that such incapacity will continue beyond the day of the election for which the application is made; (b) to the extent of reasonably preventing applicant from going to the polls, bodily health considered,* may make application to the county clerk of such county, or to the city or town clerk, in the case of a municipal, general, or primary election, for an official ballot or official ballots to be voted at such election as an absent or *physically incapacitated* voter's ballot or ballots."

Section 3. That Section 717, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Form of application.

"717. **Form of Application.** Application for such ballots shall be made on a blank to be furnished by the county clerk of the county of which the applicant is an elector, or the city or town clerk, if it be municipal, general, special or primary election, and shall be in substantially the following form:

" 'I, ..., a duly qualified elector of the.....precinct, in the county of....., and State of Montana, and am to the best of my knowledge and belief entitled to vote in such precinct in the next election, expecting to be absent from said county *or, in all probability, to be physically incapacitated from going to my precinct poll* on the day for holding such election, hereby make application for an official ballot to be voted by me at the said election.

.....

Post office address to which ballot is to be mailed

.....

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State of .....
} ss.
County of .....

On this.....day of....., personally appeared before me....., who being first duly sworn, deposes and says that he is the person who signed the foregoing application, that he has read and knows contents of same and knows to his own knowledge the matters and things therein stated are true.

.....
.....'

"This application must be subscribed by the applicant and sworn to before some officer authorized to administer oaths, and the application shall not be deemed complete without this affidavit."

Section 4. That Section 718, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Transmission of application to county clerk.

"718. **Transmission of Application to County Clerk—Delivery of Ballot.** The voter making such application shall forward by mail or deliver in person the same to the county clerk of the county in which he is registered and it shall be the duty of the said county clerk to look up the applicant's registration card and compare the signature on the application for absent *or physically incapacitated* voter's ballot and the registration card and if convinced the person making the application for absent *or physically incapacitated* voter's ballot and the person who signed the original registration card is one and the same person, he shall accept the same in good faith and deliver the ballot as provided in Section 719."

Delivery of ballot.

Section 5. That Section 720, Revised Codes of Montana, 1935, be, and the same hereby is amended to read as follows:

Mailing ballot to elector.

"720. **Mailing Ballot to Elector—Form of Return and Affidavit.** Upon receipt of such application, properly filled out and duly signed, or as soon thereafter as the official ballot for the precinct in which the applicant resides has been printed, the said county or city or town clerk shall send to such elector by mail, postage prepaid, one official ballot, or if there be more than one ballot to be voted by an elector of such precinct, one of each kind,

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and shall inclose with such ballot or ballots an envelope, to be furnished by such county or city or town clerk, which envelope shall bear upon the front thereof the name, official title and postoffice address of such county or city or town clerk, and upon the other side a printed affidavit, in substantially the following form:

Form of return and affidavit.

'State of .....
} ss.
County of .....

" 'I, ..., do solemnly swear that I am a resident of the.....precinct, (and if he be a resident of a city or town, add: 'Residing at....., in the town or city of.....,') county of.....and State of Montana, and entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence *or, in all probability, to be physically incapacitated from going to my precinct poll* on the day of holding such election and that I will have no opportunity to vote in person on that day.

.....

" 'Subscribed and sworn to before me this.....day of of.....19.....; and I hereby certify that the affiant exhibited to me the enclosed ballot or ballots for inspection before marking, and that the same was (or were) then unmarked and that he then in my presence, and in the presence of no other person, and in such manner that I could not see his vote, marked said ballot (or ballots) and inclosed and sealed the same in this envelope. That the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....
....." ' "

Section 6. That Section 721, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

"721. **Marking and Swearing to Ballot by Elector.** Such voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths, and who has an official seal, and may do so at any place in the State of Montana, or in any other state or territory of the United States, before any officer authorized by the laws of this state to take acknowledgments of instruments

Marking and swearing to ballot by elector.

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without the state, and such voter shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots thereupon, in the presence of such officer, shall be folded by such voter so that each ballot shall be separate, and so as to conceal the vote, and shall be, in the presence of such officer, placed in such envelope securely sealed with mucilage and in addition thereto sealing wax in not less than two places thereon, the sealing wax to contain the impression of the official seal of the officer administering the oath. Said officer shall thereupon append his signature and official title and affix his seal at the end of said jurat and affidavit. Said envelope shall be mailed by such absent *or physically incapacitated* voter, postage prepaid, or delivered to the county or city or town clerk, as the case may be."

Section 7. That Section 722, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Disposition of marked ballot upon receipt by clerk.

"722. **Disposition of Marked Ballot Upon Receipt by Clerk.** Upon receipt of such envelope, such county or city or town clerk shall forthwith inclose the same, unopened, together with the written application of such absent voter *or physically incapacitated* voter in a larger envelope, which shall be securely sealed and indorsed with the name of the proper voting precinct, the name and official title of such clerk, and the words 'This envelope contains an absent *or physically incapacitated* voter ballot, and must be opened only on election day at the polls when the same are open', and such clerk shall safely keep the same in his office until the same is delivered or mailed by him as provided in the next section."

Section 8. That Section 723, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Delivery or mailing of ballots to election judges.

"723. **Delivery or Mailing of Ballots to Election Judges.** In case such envelope is received by such clerk prior to the delivery of the official ballots to a judge of election of the precinct in which such absent *or physically incapacitated* voter resides, said larger envelope, containing the said voter's envelope, and his said application as above provided, shall be delivered to the judge of election

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of such precinct, to whom the official ballots of the precinct shall be delivered, and at the same time. In case the official ballots for such precinct shall have been delivered to the judge of election prior to the time of the recept by the said clerk of said absent *or physically incapacitated* voter's envelope, such clerk shall immediately after inclosing such voter's envelope and his application in a larger envelope, and after endorsing the latter as provided in the foregoing section, address and mail the larger envelope, postage prepaid, to the said judge of election of said precinct, as hereinafter further provided."

Section 9. That Section 724, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

"724. **Clerk to Keep Record of Ballots and Issue Certificate.** The ballot or ballots to be delivered or marked by such absent *or physically incapacitated* voter shall be one of the regular official ballots to be used at such election, and of each kind of such official ballots if there be more than one kind to be voted, beginning with ballot one and following consecutively, according to the number of applications for such absent *or physically incapacitated* voter ballots. The county or city or town clerk shall keep a record of all ballots so delivered for the purpose of absent voting, *or voting by persons physically incapacitated from going to the polls*, as well as of ballots, if any, marked before him as hereinafter provided, and shall make and deliver to the judge of election, to whom the ballots for the precinct are delivered, and at the time of the delivery of such ballots, a certificate stating the number of ballots delivered or mailed to absent *or physically incapacitated* voters, as well as those marked before him, if any, and the names of the voters to whom such ballots shall be delivered or mailed, or by whom they shall have been marked if marked before him."

Clerk to keep record of ballots and issue certificates.

Section 10. That Section 725, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

"725. **Duty of Election Judges—Poll-lists, Numbering Ballots and Rejected Ballots.** The judges of election, at the opening of the polls shall note on the poll-lists, when one is required by law to be kept, opposite the numbers corresponding to the numbers of the ballots issued to ab-

Duty of election judges—poll lists, numbering ballots.

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sent *or physically incapacitated* voters, as shown by the certificate of the county or city or town clerk, the fact that such ballots were issued to absent *or physically incapacitated* voters, and shall reserve said numbers for the absent *or physically incapacitated* voters. The notation may be made by writing the words 'absent *or physically incapacitated* voters' opposite such numbers.

"The judges shall not allow any names to be inserted in the poll-list on the lines corresponding to said numbers, except the name of the elector entitled to each particular number according to the certificate of the county or city or town clerk, and the number of his ballot. Any so rejected shall be placed together with the voter's application and the absent *or physically incapacitated* voter's envelope provided for the purpose by the clerk and recorder or city or town clerk, which shall be sealed and endorsed by the words, 'rejected absent *or physically incapacitated* voter ballots' numbered....., and shall put thereon the number of the ballots given to absent *or physically incapacitated* voters according to the county or city or town clerk's certificate. There shall be a separate enclosing envelope for the ballot or ballots of each absent *or physicallay incapacitated* voter whose ballot or ballots may have been rejected, and such envelopes shall be placed in an envelope together with the other ballots, and shall not be opened without order of a court of competent jurisdiction."

Rejected ballots.

Section 11. That Section 726, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

"726. **Voting Before Election Day by Prospective Absentee,** *or Physically Incapacitated* **Elector.** Any qualified elector who is present in his county after the official ballots of such county have been printed and who has reason to believe that he will be absent from such county on election day, *or physically incapacitated* as provided in Section 716 may vote before he leaves his county *or prior to the inception of such physical incapacity,* in like manner as an absent *or physically incapacitated* voter, before the county or city or town clerk or some officer authorized to administer oaths and having an official seal; and the provisions of this act shall be deemed to apply to such voting. If the ballot be marked before the county or city

Voting before election day by prospective absentee or physically incapacitated elector.

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or town clerk it shall be his duty to deal with it in the same manner as if it had come by mail."

Section 12. That Section 727, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

"727. **Envelopes Containing Ballots—Deposit in Box and Rejection of Ballot.** At any time between the opening and closing of the polls on such election day, the judges of election of such precinct shall first open the outer envelope only, and compare the signature of such voter to such application, with the signature to such affidavit. Envelopes containing ballots.

"In case the judge finds the affidavit is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct, and has not voted at such election, they shall open the absent *or physically incapacitated* voter's envelope, in such manner as not to destroy the affidavit thereon, and take out the ballot or ballots therein contained, and without unfolding the same, or permitting the same to be opened or examined, shall ascertain whether the stub or stubs is or are still attached to the ballot or ballots, and whether the number thereon corresponds to the number in the county or city or town clerk's certificate. If so, they shall endorse the same in like manner that other ballots are endorsed, shall detach the stub as in other cases, and deposit the ballot or ballots in the proper ballot-box or boxes, and make in their election list and books the proper entries to show such elector to have voted. In case such affidavit is found to be insufficient, or that the said signatures do not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but, without opening the absent *or physically incapacitated* voter envelope, the judges of such election shall mark across the face thereof 'rejected as defective' or 'rejected as not an elector' as the case may be. The absent *or physically incapacitated* voter envelope, when such absent vote *or vote by a person physically incapacitated from going to the polls* is voted, and the absent *or physically incapacitated* voter envelope with its contents, unopened, when such absent vote *or vote by a person physically incapacitated from going to the polls* is rejected, shall be deposited in the ballot-box containing the general or party ballots, as the case may be, retained and preserved in the manner by Deposit of ballots in box. Rejected ballots.

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law provided for the retention and preservation of official ballots voted at such election. If, upon opening the absent *or physically incapacitated* voter's envelope, it be found that the stub of any ballot has been detached, or that the number thereon does not correspond to the number in the county or city or town clerk's certificate of the number issued to such absent *or physically incapacitated* voter, the ballot shall be rejected, and it shall then and there, and without looking at the face thereof, be marked on the back 'rejected on the ground of.....', filling the blank with the statement of the reason of the rejection; which statement shall be dated and signed by the majority of the judges. The ballot or ballots so rejected, together with the absent *or physically incapacitated* voter's envelope bearing the application, and the said application, shall be all enclosed in an envelope, which shall be then and there securely sealed, and on such envelope the judges shall write or cause to be written (if not already printed thereon) the words, 'rejected ballot of absent *or physically incapacitated* voter' (writing in the name of the elector). 'The rejected ballot or ballots is or are.....' The judges shall designate the rejected ballot as 'general ballot', if it be a ballot for candidates that be rejected. If the rejected ballot be a one put on a question submitted to the vote of the electors, the judges shall designate such ballot as ballot question No. .....in the certificate on the envelope. There shall be a separate enclosing envelope for the ballot or ballots of each absent *or physically incapacitated* voter whose ballot or ballots may have been rejected and such enclosing envelope shall be placed in the envelope in which the other ballots voted or (are) required to be placed and shall not be opened without an order of a court of competent jurisdiction. The county or city or town clerk shall provide and have delivered to the judge of election suitable envelopes for enclosing rejected absent *or physically incapacitated* voter's ballots."

Envelope for rejected ballots.

Section 13. That Section 728, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Transmission of ballot by special delivery.

"728. **Transmission of Ballot by Special Delivery.** Whenever the county or city or town clerk shall mail the envelope containing an absent *or physically incapacitated* voter's envelope and ballots, as provided in this act, to a

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judge of election, he shall place thereon the proper postage and the proper stamp or stamps, and the proper markings to secure the transmission and delivery thereof as a special delivery letter, in accordance with the postal laws of the United States and the regulations of the United States post office."

Section 14. That Section 730, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Procedure when elector is present after marking absent or physically incapacitated voter ballot.

"730. **Procedure When Elector Is Present After Marking Absent** *or Physically Incapacitated* **Voter Ballot.** In case any elector who shall have marked his ballot as an absent *or physically incapacitated* voter, as in this act provided, shall appear at the voting place of his precinct on election day, before his ballot or ballots shall have been deposited in the ballot-box, his envelope containing his ballot shall, if he so desires, be opened in his presence, and the ballot or ballots found therein shall be deposited in the ballot-box as hereinbefore provided. If such elector shall ask for a new ballot or ballots with which to vote, he shall be entitled to the same, but in such case his absent *or physically incapacitated* voter envelope shall not be opened, and the judges shall mark, or cause to be marked, across the face thereof, 'unopened because voter appeared and voted in person', and then deposit the said envelope, unopened, in the ballot-box. If the envelope containing the absent *or physically incapacitated* voter ballot shall have been marked 'rejected as defective', and deposited in the ballot-box, such elector so appearing shall have the same right to vote as if he had not attempted to vote as an absent *or physically incapacitated* voter. If voting machines are there used, he shall vote by machine as other voters."

Section 15. That Section 731, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Opening of envelopes after deposit.

"731. **Opening of Envelopes After Deposit.** If the aforesaid envelope containing an absent *or physically incapacitated* voter ballot shall have been deposited, unopened, in the ballot-box, the said envelope shall not be opened, without an order of a court of competent jurisdiction."

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Section 16. That Section 733, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Voting machines —canvass of votes.

"733. **Voting Machines—Canvass of Votes.** In and for precincts where voting machines are to be used, the county or city or town clerk shall cause to be printed and shall provide ballots in the regular form of printed ballots, and sufficient printed ballots and sufficient in number for possible absent *or physically incapacitated* voters, and also poll-books and ballot-boxes such as lists required for the precincts in which printed ballots are used. Absent *or physically incapacitated* voters' ballots received in such precincts shall be cast as in this act provided, and all provisions of this act and of the election laws shall apply to the casting, canvassing, counting and returning of such ballots and votes, except as herein otherwise provided. In making the canvass, the votes cast by absent *or physically incapacitated* voters shall be added by the judges of election to the votes cast on the voting machines, and the results determined and reported accordingly."

Section 17. That Section 734, Revised Codes of Montana 1935, be, and the same hereby is amended to read as follows:

Duty of elector if present on election day.

"734. **Duty of Elector If Present on Election Day.** In case any elector who shall have taken advantage of the provisions of this act, and marked his ballot as an absent *or physically incapacitated* voter, as in this act provided, shall not leave his county, or shall return thereto *or shall have recovered physical capacity to go to the polls* on or before election day, and in time to allow him to go to the polls, to-wit, to the voting place in his precinct, and to be admitted therein before the close of the polls, it shall be his duty so to go to the said voting place and to present himself to the judges of election at said voting place, and if he shall wilfully neglect so to do he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred ($100.00) dollars or by imprisonment not more than thirty (30) days in the county jail or by both such fine and imprisonment. If such an elector so appears the judges of election shall note in the poll-books and lists the fact of his appearance as well as whether or not he voted in person."

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Repealing clause.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 17, 1943.

CHAPTER 235

An Act Designating the Date for Issuance of Annual Licenses for the Retail Sale of Beer and/or Liquor; Repealing All Acts Or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

License fee for sale of beer or liquor for period of Jan. 1 to June 30, 1944.

Section 1. Effective January 1, 1944, the Montana liquor control board shall collect from applicants a payment of only half the annual fee required by the laws of the State of Montana for the retail sale of beer and/or liquor; such license shall expire at midnight of June 30, 1944.

Period covered by license on and after July 1, 1944.

Section 2. Effective July 1, 1944, and at the same date of each year thereafter, the Montana liquor control board shall issue licenses for the retail sale of beer and/or liquor on an annual basis, and at such fees as are prescribed by law, and such licenses shall expire at midnight of June 30th of the succeeding year. Provided that when the applicant shall have had a beer license or beer and liquor licenses for 1943, he shall pay the fees required for such license or licenses for the first half of 1944 before he shall be qualified to be issued such license or licenses for the year commencing June 30, 1944.

Applicant must have paid fee for first half of 1944.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 17, 1943.

CHAPTER 236

An Act Allowing a Credit On Inheritance Taxes Due From a Resident Decedent of Montana Who Is Required to Pay a Tax in Another State.

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Be it enacted by the Legislative Assembly of the State of Montana:

Credit allowance on inheritance taxes due from a resident decedent who paid tax in another state.

Section 1. The tax imposed by Section 10400.1 and Section 10400.2 and Section 10400.3 of the Revised Codes of Montana of 1935, shall, as to a resident of the State of Montana who died domiciled in Montana, be credited with the amount of any valid inheritance, estate, legacy or succession taxes actually paid to any state or territory of the United States (other than the State of Montana), or to the District of Columbia. Provided, however, that the amount to be so credited shall in no event exceed that amount which the resident decedent was taxed on that property in Montana.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved March 17, 1943.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Twenty-eighth Legislative Assembly

STATE OF MONTANA

1943

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 3

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twenty-eighth Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for the Incidental Expenses of the Twenty-eighth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the twenty-eighth legislative assembly of the State of Montana.

Ninety-five thousand dollars ..... $ 95,000.00

For the payment of per diem to the officers and attaches of the twenty-eighth legislative assembly of the State of Montana,

Forty thousand dollars ..... $ 40,000.00

For the payment of incidental expenses of the twenty-eighth legislative assembly of the State of Montana.

Twenty thousand dollars ..... $ 20,000.00

Section 2. The amounts appropriated herein are to be used for the purposes designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 7, 1943.

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HOUSE BILL NO. 8

An Act to Appropriate Money from the General Fund for the Operation and Maintenance of the Grain Grading and Scale Testing Division of the Department of Agriculture, Labor and Industry for the year Ending June 30, 1943, the Appropriation made by the Twenty-seventh Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as shall be found necessary, be, and the same is hereby appropriated out of any moneys in the state treasury in the general fund of the State of Montana, not otherwise appropriated, for the objects and purposes expressly enumerated hereinafter, for the period ending June 30, 1943.

GRAIN GRADING AND SCALE TESTING DIVISION of the department of agriculture, labor, and industry

FROM THE GENERAL FUND

For salaries and expenses, twenty-six thousand dollars.....$26,000.00

Section 2. The appropriation enumerated hereinbefore is declared to be made because of the fact that there are insufficient funds available for the operation and maintenance of the grain grading and scale testing division of the department of agriculture, labor and industry, to June 30, 1943.

Section 3 The appropriation contained herein shall be held and deemed legal and valid notwithstanding the provisions of the budget act.

Section 4. This act is hereby, deemed and declared an emergency and shall be in full force and effect from and after its passage and approval.

Approved February 5, 1943.

HOUSE BILL NO. 46

An Act Appropriating Money for Repayment to Hill County of Money Paid by It to the State Insane Asylum by Mistake and Which Was Used for the Direct Benefit of All the People of Montana, and for Which No Reimbursement Has Been Made to Hill County.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That WHEREAS Hill county has paid to the State Insane Asylum the sum of five thousand six hundred forty-one dollars ($5641.00) for the care of insane patients committed from Hill county, because of the belief that sworn claims submitted to it by the state insane asylum and which had been considered and *approved* by the *state examiner's office* in auditing the books of Hill county were valid and legal claims against it, and paid by it because of such belief, and

WHEREAS, it has been determined that said moneys were paid without right and did not constitute a legal or valid claim against Hill county, and

WHEREAS, Hill county presented a claim for reimbursement of said moneys so paid by it to the state board of examiners and such claim was by them unanimously approved, and it further appearing that the moneys so paid to the state insane asylum was used for the direct benefit of all the people of Montana, and that its use has heretofore permitted the appropriation of an amount for the care of the insane less than that which would have been required but for such payment by Hill county, and that said moneys so paid constitute a valid and just claim against the State of Montana;

NOW, THEREFORE, there is hereby appropriated out of any moneys in the treasury of the State of Montana belonging to the general fund, not otherwise appropriated, the sum of five thousand six hundred forty-one dollars ($5641.00) for payment to Hill county and the state auditor is hereby authorized and directed to draw a warrant on the general fund, payable to Hill county in payment of said amount, and the state treasurer is hereby directed to pay the same.

Section 2. The appropriation hereinbefore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1943.

HOUSE BILL NO. 95

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Depart-

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ments and Offices for the Period Beginning July 1, 1943, and Ending June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the

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close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1943 and ending June 30, 1944.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries, fifteen thousand one hundred dollars .....$ 15,100.00
For capital, repairs and replacements, fifty dollars .....$ 50.00
For operation, two thousand fifty dollars .....$ 2,050.00
For special investigations, seven hundred fifty dollars $ 750.00
For requisitions, twenty-five hundred dollars .....$ 2,500.00

GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For salaries and expenses, twenty-nine hundred ninety-five dollars .....$ 2,995.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For salaries, fifteen thousand seven hundred dollars....$ 15,700.00

For capital, repairs and replacements, one hundred five dollars .....$ 105.00

For operation, eighteen hundred and eighty-five dollars .....$ 1,885.00

For election expenses, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, seventy-seven hundred dollars.....$ 7,700.00

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ATTORNEY GENERAL

FROM THE GENERAL FUND

For salaries, twenty-six thousand eight hundred seventy dollars ..... $ 26,870.00

For capital, repairs and replacements, five hundred sixty dollars ..... $ 560.00

For operation, nineteen hundred dollars ..... $ 1,900.00

STATE TREASURER

FROM THE GENERAL FUND

For salaries, sixteen thousand six hundred dollars..... $ 16,600.00

For capital, repairs and replacements, three hundred twenty-five dollars ..... $ 325.00

For premiums on official bonds, eleven hundred twenty dollars ..... $ 1,120.00

For operations, fifteen hundred eighty-five dollars..... $ 1,585.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

For salaries, eleven thousand four hundred fifty-four dollars ..... $ 11,454.00

For capital, repairs and replacements, two hundred eighty-five dollars ..... $ 285.00

For operation, four hundred five dollars ..... $ 405.00

FROM THE HIGHWAY FUND

For salaries not fixed by law, thirty-five hundred dollars ..... $ 3,500.00

For operation and expenses, fifteen hundred dollars..... $ 1,500.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For salaries, fourteen thousand dollars ..... $ 14,000.00

For capital, repairs and replacements, sixty-five dollars ..... $ 65.00

For operation, thirty-five hundred fifteen dollars..... $ 3,515.00

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INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For salaries, forty-two hundred dollars ..... $ 4,200.00

For operation, seven hundred eighteen dollars ..... $ 718.00

FIRE MARSHAL

FROM THE GENERAL FUND

For salaries and expenses, ten thousand three hundred seventy-two dollars ..... $ 10,372.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For salaries, ten thousand four hundred dollars ..... $ 10,400.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, fifty-eight hundred seventy-five dollars ..... $ 5,875.00

SCHOOL SUPERVISORS

FROM THE GENERAL FUND

For salary, seventy-five hundred dollars ..... $ 7,500.00

For travel, fifteen hundred dollars ..... $ 1,500.00

CERTIFICATION DEPARTMENT

FROM THE TEACHERS' CERTIFICATE FUND

All fees and collections are hereby appropriated to carry out the provisions of Section 1095, Revised Codes of Montana, 1935.

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, twenty-two hundred dollars ..... $ 2,200.00

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FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, twenty-four thousand three hundred dollars ..... $ 24,300.00

SUPREME COURT

FROM THE GENERAL FUND

For salaries, fifty-five thousand dollars ..... $ 55,000.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, forty-four hundred fifty-one dollars..... $ 4,451.00

ATTORNEYS' LICENSING BOARD

FROM THE ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

FROM THE GENERAL FUND

For salaries, fifty-two thousand eight hundred thirty dollars ..... $ 52,830.00

Capital, repairs and replacements, five hundred dollars ..... $ 500.00

Operation, twenty-three thousand nine hundred forty-five dollars ..... $ 23,945.00

Pleading I. C. C. cases, one thousand dollars ..... $ 1,000.00

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, thirty-eight hundred fifty dollars ..... $ 3,850.00

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1944 and ending June 30, 1945.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries, fifteen thousand one hundred dollars..... $ 15,100.00

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For capital, repairs and replacements, fifty dollars ..... $ 50.00

For operation, two thousand ten dollars ..... $ 2,010.00

For special investigations, seven hundred fifty dollars ..... $ 750.00

For requisitions, twenty-five hundred dollars ..... $ 2,500.00

GOVERNOR'S MANSION OR HOME
FROM THE GENERAL FUND

For salaries and expenses, twenty-nine hundred ninety-five dollars ..... $ 2,995.00

SECRETARY OF STATE
FROM THE GENERAL FUND

For salaries, fifteen thousand seven hundred dollars ..... $ 15,700.00

For capital, repairs and replacements, one hundred five dollars ..... $ 105.00

For operation, eighteen hundred eighty-five dollars ..... $ 1,885.00

For election expenses, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, sixteen thousand four hundred twenty-five dollars ..... $ 16,425.00

ATTORNEY GENERAL
FROM THE GENERAL FUND

For salaries, twenty-six thousand nine hundred eighty-nine dollars ..... $ 26,989.00

For capital, repairs and replacements, five hundred sixty dollars ..... $ 560.00

For operation, thirty-seven hundred ten dollars ..... $ 3,710.00

STATE TREASURER
FROM THE GENERAL FUND

For salaries, sixteen thousand four hundred dollars ..... $ 16,400.00

For capital, repairs and replacements, three hundred twenty-five dollars ..... $ 325.00

For premiums on official bonds, eleven hundred twenty dollars ..... $ 1,120.00

For operation, thirteen hundred sixty dollars ..... $ 1,360.00

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STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

For salaries, eleven thousand six hundred sixty-five dollars ..... $ 11,665.00

For capital, repairs and replacements, two hundred eighty-five dollars ..... $ 285.00

For operation, twenty-two hundred five dollars ..... $ 2,205.00

FROM THE HIGHWAY FUND

For salaries not fixed by law, thirty-five hundred dollars ..... $ 3,500.00

For operation and expenses, fifteen hundred dollars ..... $ 1,500.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For salaries, fourteen thousand dollars ..... $ 14,000.00

For capital, repairs and replacements, sixty-five dollars ..... $ 65.00

For operation, thirty-five hundred fifteen dollars ..... $ 3,515.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For salaries, forty-two hundred dollars ..... $ 4,200.00

For operation, seven hundred eighteen dollars ..... $ 718.00

FIRE MARSHAL

FROM THE GENERAL FUND

For salaries and expenses, eight thousand five hundred seventy-two dollars ..... $ 8,572.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 5127 of the Revised Codes of Montana, 1935, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For salaries, ten thousand four hundred dollars ..... $ 10,400.00

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For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, five thousand twenty-five dollars..... $ 5,025.00

SCHOOL SUPERVISORS
FROM THE GENERAL FUND

For salaries, seven thousand five hundred dollars..... $ 7,500.00

For travel, fifteen hundred dollars ..... $ 1,500.00

CERTIFICATION DEPARTMENT
FROM THE TEACHERS' CERTIFICATE FUND

All fees and collections are hereby appropriated to carry out the provisions of Section 1095, Revised Codes of Montana, 1935.

SUPERVISED CORRESPONDENCE SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, twenty-two hundred dollars ..... $ 2,200.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, twenty-four thousand three hundred dollars ..... $ 24,300.00

SUPREME COURT
FROM THE GENERAL FUND

For salaries fixed by law, forty-nine thousand nine hundred dollars ..... $ 49,900.00

For salaries not fixed by law, fifty one hundred dollars ..... $ 5,100.00

For capital, repairs and replacements, one hundred fifty dollars ..... $ 150.00

For operation, forty-four hundred fifty-one dollars..... $ 4,451.00

ATTORNEYS' LICENSING BOARD
FROM THE ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION
FROM THE GENERAL FUND

For salaries, fifty-two thousand eight hundred thirty dollars ..... $ 52,830.00

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Capital, repairs and replacements, five hundred dollars ..... $ 500.00

Operation, twenty-three thousand nine hundred forty-five dollars ..... $ 23,945.00

Pleading I. C. C. cases, one thousand dollars ..... $ 1,000.00

MONTANA TRADE COMMISSION
FROM THE GENERAL FUND

For salaries and expenses, thirty-eight hundred fifty dollars ..... $ 3,850.00

Section 4. It is further provided that in the appropriations for the state treasurer, contained herein, no provision is made for the printing of the state treasurer's quarterly report.

Section 5. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangable between divisions, and the definitions given in Section 1 of the act shall govern all appropriations.

Section 6. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Approved March 13, 1943.

HOUSE BILL NO. 106

An Act to Appropriate Fifteen Thousand Dollars ($15,000.00) Per Annum to Aid in the Continuation of the Cooperative Work Now Being Carried on by the Montana Livestock Commission and the United States Department of the Interior, Fish and Wildlife Service, in the Control of Predatory Animals in the State of Montana and Said Funds to Be Subject to the Order of the Livestock Commission of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifteen thousand dollars ($15,000.00)

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per annum, be, and the same is hereby appropriated out of the general funds in the state treasury, such money to be used and expended by the state livestock commission in cooperation with the United States fish and wildlife service in continuing the work now being carried out in the destruction of predatory animals which are injurious to wild game, poultry, livestock and the public health in the State of Montana; provided, that the state livestock commission, in cooperation with the United States fish and wildlife service, is authorized also to enter into cooperative agreements with other governmental agencies, counties and associations when such cooperation is deemed to be necessary to promote the control and destruction of predatory animals.

Section 2. That the amount of money hereby appropriated shall be subject to the order of the state livestock commission of the State of Montana only, and shall be used for the expenditures of hunters' salaries and expenses, expenditures for equipment, materials and supplies, and no other.

Section 3. That all furs, skins and specimens taken by hunters employed from this fund shall be disposed of by order of the Montana livestock commission and said funds received from the sale of said furs, skins and specimens shall be expended as provided in Section 2 of this act.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall be in full force and effect from and after July 1, 1943.

Approved March 2, 1943.

HOUSE BILL NO. 151

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein for All State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1943 and Ending June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consid-

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eration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

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Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1943, and ending June 30, 1944.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, fifty-seven thousand dollars....$ 57,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board as much as may be required when such emergency is declared to exist as provided in Section 2078, Revised Codes of Montana 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars..$ 25,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For salary of one clerk, fourteen hundred forty dollars...$ 1,440.00

For the payment of bounty claims so much thereof as may be necessary, as provided by law.

FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

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BUREAU OF CIVILIAN REHABILITATION
FROM THE GENERAL FUND

For salaries and expenses, twenty-three thousand seven hundred sixty dollars ..... $ 23,760.00

In addition thereto there is hereby appropriated all moneys received from the federal government for civilian rehabilitation; provided, however, that no administrative salaries shall be increased by reason of the use of this fund.

BOARD OF ENTOMOLOGY
FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars ..... $ 500.00

BOARD OF HEALTH
FROM THE GENERAL FUND

For salaries, eighty-eight hundred and forty dollars..... $ 8,840.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, three thousand dollars ..... $ 3,000.00

For venereal disease control, four thousand dollars ..... $ 4,000.00

CHILD WELFARE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

PURE FOOD DIVISION
FROM THE GENERAL FUND

For salaries and expenses, seven thousand dollars ..... $ 7,000.00

WATER ANALYSIS
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

EPIDEMIOLOGIST
FROM THE GENERAL FUND

For salaries and expenses, sixty-five hundred dollars..... $ 6,500.00

VITAL STATISTICS
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

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BACTERIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand dollars .....$ 12,000.00

INDUSTRIAL HYGIENE

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars .....$ 8,000.00

FOR CRIPPLED CHILDREN AND CHILDREN WITH RHEUMATIC FEVER

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars .....$ 40,000.00

In addition thereto, there is hereby appropriated, any money that may be received from the federal government to be used as provided in the grant.

STATE EXAMINER

FROM THE GENERAL FUND

For salaries, thirty-five thousand five hundred twenty dollars .....$ 35,520.00

For capital, repairs and replacements, one hundred dollars .....$ 100.00

For operation, fifteen thousand three hundred fifty dollars .....$ 15,350.00

PERMANENT REVOLVING FUND

FROM THE GENERAL FUND

There is further appropriated from the general fund, the sum of one thousand dollars .....$ 1,000.00

for the purpose of creating a permanent revolving fund to be known as the state examiner's revolving fund. The salaries and expenses of all examinations of the state liquor control board, the public welfare commission, the Montana fish and game department, and of all special examinations of any state office, department or agency shall be paid from this revolving fund, and such state office, department or agency shall reimburse said fund in an amount equal to the entire expense incurred in making such examination or examinations, so that this fund may become a permanent revolving fund for the purpose of meeting the expenses incurred in making special or unusual examination as above set forth.

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ADJUTANT GENERAL

FROM THE GENERAL FUND

For salaries and expenses, six thousand nine hundred dollars ..... $ 6,900.00

For capital, repairs and replacements, two hundred dollars ..... $ 200.00

For operation, seven hundred dollars ..... $ 700.00

For bonds and interest, as much as may be necessary to pay principal and interest on armory bonds, as set forth in Chapter 161, session laws of 1939, twenty-five thousand dollars ..... $ 25,000.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries and expenses, fourteen thousand dollars..... $ 14,000.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars ..... $ 40,000.00

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay claims which are lawfully chargeable to this fund, as provided by law.

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

In addition to the above appropriation there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars ..... $ 350.00

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BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses of the state board of education, one thousand dollars ..... $ 1,000.00

FROM THE MILLAGE FUND

For expenses, one thousand dollars ..... $ 1,000.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one clerk, eighteen hundred dollars ..... $ 1,800.00

VISUAL EDUCATION

FROM THE EQUALIZATION FUND

For salaries and expenses, eight thousand dollars ..... $ 8,000.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses in connection with vocational education, twenty thousand dollars ..... $ 20,000.00

In addition to the foregoing amount, all income from federal funds known as vocational U. S. aid fund, George Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

APICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, thirty-five hundred dollars ..... $ 3,500.00

STATE LAW LIBRARY

FROM THE GENERAL FUND

For salaries fixed by law, forty-three hundred dollars ..... $ 4,300.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, three hundred dollars ..... $ 300.00

For legislative reference bureau, seventy-five dollars ..... $ 75.00

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FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA
FROM THE GENERAL FUND

For salaries, forty-two hundred dollars ..... $ 4,200.00

For capital, repairs and replacements, sixteen hundred dollars ..... $ 1,600.00

For operation, seven hundred dollars ..... $ 700.00

For flag case Spanish-American war veterans, fifty dollars ..... $ 50.00

STATE BOARD OF EXAMINERS
FROM THE GENERAL FUND

For salaries, eleven thousand seven hundred seventy-five dollars ..... $ 11,775.00

For capital, repairs and replacements, two hundred thirty-five dollars ..... $ 235.00

For operation, sixteen hundred twenty-five dollars ..... $ 1,625.00

STATE ACCOUNTANT AND BUDGET OFFICE
FROM THE GENERAL FUND

For salaries, eleven thousand two hundred dollars ..... $ 11,200.00

For capital, repairs and replacements, two hundred seventy-five dollars ..... $ 275.00

For operation, thirteen hundred sixty dollars ..... $ 1,360.00

STATE ENGINEER
FROM THE GENERAL FUND

For salaries, five thousand four hundred dollars ..... $ 5,400.00

For capital, repairs, replacements and operation, fourteen hundred forty-seven dollars ..... $ 1,447.00

For surveys and collection of data necessary in connection with negotiations of the Yellowstone river compact, two thousand five hundred dollars ..... $ 2,500.00

For the expense of the Yellowstone compact commission, five hundred dollars ..... $ 500.00

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FROM THE CAREY LAND ACT FUND

For salaries and expenses, four hundred seventy-seven dollars ..... $ 477.00

STREAM GAUGING

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

SURVEY OF INTERSTATE WATERS

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration and engineering on the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further, that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the state highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For salaries, eighteen thousand nine hundred sixty dollars ..... $ 18,960.00

For capital, repairs and replacements, one hundred dollars ..... $ 100.00

For operation, forty-five hundred dollars ..... $ 4,500.00

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CHIEF FIELD AGENT
FROM THE GENERAL FUND

For salaries and expenses, twenty-one thousand seven hundred fifty dollars ..... $ 21,750.00

Montana state soil conservation committee, five hundred dollars ..... $ 500.00

State land survey, five hundred dollars ..... $ 500.00

Forestry survey, five hundred dollars ..... $ 500.00

FISH AND GAME COMMISSION
FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law.

In addition, thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

CAPITOL BUILDING
FROM THE GENERAL FUND

For salaries fixed by law, twenty-eight thousand dollars.. $ 28,000.00

For salary of postmaster and assistant, three thousand dollars ..... $ 3,000.00

For salary of substitute for vacations, one hundred twenty-five dollars ..... $ 125.00

For capital, repairs and replacements, fifteen thousand dollars ..... $ 15,000.00

For operation, fourteen thousand dollars ..... $ 14,000.00

For expense of delivering mail, one hundred eighty dollars ..... $ 180.00

All rents and collections received shall be deposited to the general fund.

G. A. R. CUSTODIAN
FROM THE GENERAL FUND

For salary of G. A. R. custodian, nine hundred dollars.... $ 900.00

For operation, two hundred dollars ..... $ 200.00

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STATE HIGHWAY PATROL
FROM THE GENERAL FUND

For salaries and expenses, two hundred fifty thousand dollars $250,000.00

STATE LIQUOR CONTROL BOARD
FROM THE LIQUOR BOARD FUND

So much thereof as may be necessary to carry out the provisions of Sections 2815.153 and 2815.154, Revised Codes of Montana, 1935.

BEER DIVISION
FROM THE MONTANA BEER ACT FUND

So much thereof as may be necessary not exceeding ten (10%) per cent of all revenue to pay all lawful claims as provided by law.

LIQUOR LICENSE DIVISION
FROM THE LIQUOR LICENSE FUND

So much thereof as may be necessary not exceeding 10% of all revenue, to pay all lawful claims as provided by law.

BOARD OF EQUALIZATION
FROM THE GENERAL FUND

For salaries and expenses, one hundred two thousand two hundred four dollars $102,204.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirteen thousand dollars..... $ 13,000.00

FROM THE HIGHWAY FUND

For salaries and expenses, twenty-seven thousand dollars ..... $ 27,000.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline tax drawbacks, including refunds to the federal government, as much thereof as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY ADMINISTRATION
FROM THE GENERAL FUND

For salaries, eighty-three hundred dollars ..... $ 8,300.00

For operation, repairs and replacements, twelve hundred fifty dollars ..... $ 1,250.00

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DAIRY DIVISION
FROM THE GENERAL FUND

For salaries and expenses, twenty-seven thousand six hundred forty dollars ..... $ 27,640.00

GRAIN GRADING AND SCALE TESTING DIVISION
FROM THE GENERAL FUND

For salaries and expenses, seventy-one thousand nine hundred dollars ..... $ 71,900.00

HORTICULTURE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, sixty-two thousand twenty-five dollars ..... $ 62,025.00

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

FROM THE LIQUOR BOARD FUND

For salaries and expenses, twenty-five hundred dollars.. $ 2,500.00

DIVISION OF LABOR AND PUBLICITY
FROM THE GENERAL FUND

For salaries and expenses of labor commissioner, five thousand dollars ..... $ 5,000.00

DIVISION OF REAL ESTATE
FROM THE GENERAL FUND

For salaries and expenses, two thousand two hundred thirty-five dollars ..... $ 2,235.00

COMMERCIAL FERTILIZER
FROM THE GENERAL FUND

For salaries and expenses, two hundred seventy-five dollars ..... $ 275.00

Upon the request of the commissioner of agriculture the state board of examiners may transfer amounts between the grain, dairy and horticulture divisions, provided that the aggregate total is neither increased or decreased.

PURCHASING AGENT
FROM THE GENERAL FUND

For salaries fixed by law, five thousand dollars..... $ 5,000.00

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For salaries not fixed by law, thirty-six hundred dollars..$ 3,600.00

Maintenance and repairs of fair grounds, two hundred fifty dollars .....$ 250.00

FROM THE HIGHWAY FUND

For salaries not fixed by law and expenses, fourteen thousand five hundred dollars .....$ 14,500.00

FROM THE UNIVERSITY MILLAGE FUND

For salaries not fixed by law and expenses, five thousand dollars .....$ 5,000.00

FROM COLLECTIONS COMING INTO THE FISH AND GAME FUND

excluding license fees paid by hunters, for salaries and expenses, one thousand dollars .....$ 1,000.00

STATE FORESTER ADMINISTRATION
FROM THE GENERAL FUND

For salaries, seventy-six hundred dollars .....$ 7,600.00

For capital, repairs and replacements, one hundred dollars .....$ 100.00

For operation, six hundred fifty dollars .....$ 650.00

For exchange of lands, four hundred fifty dollars .....$ 450.00

PROTECTION OF STATE LANDS
FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand six hundred eighty-seven dollars .....$ 17,687.00

TIMBER SALES
FROM THE GENERAL FUND

For salaries and expenses, ten thousand six hundred twenty dollars .....$ 10,620.00

In addition to appropriation, there is hereby appropriated all moneys received as trust funds for the purposes for which they were provided.

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SALARIES AND EXPENSES OF DISTRICT JUDGES
FROM THE GENERAL FUND

For salaries of district judges, one hundred ten thousand, four hundred dollars $110,400.00

For expenses, twelve thousand six hundred dollars ..... $ 12,600.00

SALARIES OF COUNTY ATTORNEYS
FROM THE GENERAL FUND

For salaries, fifty thousand dollars ..... $ 50,000.00

TRANSPORTATION OF PRISONERS
FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, nine thousand dollars ..... $ 9,000.00

MILK CONTROL BOARD
FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars ..... $ 7,500.00

UNEMPLOYMENT COMPENSATION COMMISSION
FROM THE UNEMPLOYMENT COMPENSATION
ADMINISTRATION FUND

For administrative salaries and expenses ten thousand dollars ($10,000.00), to be used by the commission for the purposes of meeting allotments in order that the state may receive grants-in-aid of federal funds and such other purposes as may be approved by the state board of examiners.

FROM THE UNEMPLOYMENT BENEFIT FUND

So much thereof as may be necessary to carry out the provisions of the law.

VETERANS WELFARE COMMISSION
FROM THE GENERAL FUND

For salaries and expenses, eighty-five hundred dollars.... $ 8,500.00

The sum of fifty thousand dollars ($50,000.00) to be used by the veterans welfare commission by order of the board of examiners at such times and in such amounts as may from time to time appear to said board of examiners to be necessary; no portion of said sum shall

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be spent for salaries or expenses of administration or for attorney's fees, and all claims shall be paid in the same manner as other claims are paid, and shall be paid out of the state treasury on warrants issued by the state auditor against orders drawn by the state board of examiners. The purpose of this act is for the encouragement, *aid* and assistance of the men and women returning from service in the present global war; to assist in getting jobs and employment, to provide for the education, training, and comfort, and the physical, material and mental well-being of those who have served in said armed forces.

The money appropriated under the provisions of this act shall be paid out by the state treasurer on warrants issued by the state auditor on orders drawn by the state board of examiners.

MOTOR VEHICLE DEPARTMENT
FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay the same, as provided by law.

ATHLETIC COMMISSION
FROM THE VETERANS' MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

FIRE INSURANCE
FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, three thousand dollars ..... $ 3,000.00

FROM THE MILLAGE FUND

As much as may be necessary to pay premiums for insurance on buildings or institutions for the greater university of Montana, three thousand dollars ..... $ 3,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, one thousand dollars ..... $ 1,000.00

FROM THE MOTOR VEHICLE FUND

For premiums on insurance for the motor vehicle department, one hundred dollars ..... $ 100.00

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of

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fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1944, and ending June 30, 1945.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, fifty-seven thousand dollars....$ 57,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board as much as may be required when such emergency is declared to exist as provided in Section 2078, Revised Codes of Montana 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars..$ 25,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For salary of one clerk, fourteen hundred forty dollars..$ 1,440.00

For the payment of bounty claims so much thereof as may be necessary, as provided by law.

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FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

BUREAU OF CIVILIAN REHABILITATION
FROM THE GENERAL FUND

For salaries and expenses, twenty-three thousand seven hundred sixty dollars ..... $ 23,760.00

In addition thereto there is hereby appropriated all moneys received from the federal government for civilian rehabilitation; provided, however, that no administrative salaries shall be increased by reason of the use of this fund.

BOARD OF ENTOMOLOGY
FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars ..... $ 500.00

BOARD OF HEALTH
FROM THE GENERAL FUND

For salaries, eight thousand eight hundred forty dollars.. $ 8,840.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation three thousand dollars ..... $ 3,000.00

CHILD WELFARE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

PURE FOOD DIVISION
FROM THE GENERAL FUND

For salaries and expenses, seven thousand dollars ..... $ 7,000.00

WATER ANALYSIS
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

EPIDEMIOLOGIST
FROM THE GENERAL FUND

For salaries and expenses, sixty-five hundred dollars..... $ 6,500.00

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VITAL STATISTICS

FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars .....$ 9,000.00

BACTERIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand dollars .....$ 12,000.00

INDUSTRIAL HYGIENE

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars .....$ 8,000.00

FOR CRIPPLED CHILDREN AND THOSE CHILDREN SUFFERING FROM RHEUMATIC FEVER

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars .....$ 40,000.00

In addition thereto, there is hereby appropriated, any money that may be received from the federal government to be used as provided in the grant.

STATE EXAMINER

FROM THE GENERAL FUND

For salaries, thirty-five thousand five hundred twenty dollars .....$ 35,520.00

For capital, repairs and replacements, one hundred dollars .....$ 100.00

For operation, fifteen thousand three hundred fifty dollars .....$ 15,350.00

ADJUTANT GENERAL

FROM THE GENERAL FUND

For salaries, sixty-nine hundred dollars .....$ 6,900.00

For capital, repairs and replacements two hundred dollars .....$ 200.00

For operation, seven hundred dollars .....$ 700.00

For bonds and interest, as much as may be necessary to pay principal and interest on armory bonds, as set forth

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in Chapter 161, session laws of 1939, twenty-five thousand dollars ..... $ 25,000.00

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries and expenses, fourteen thousand dollars ..... $ 14,000.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars ..... $ 40,000.00

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay claims which are lawfully chargeable to this fund, as provided by law.

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

In addition to the above appropriation there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars.... $ 350.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses of the state board of education, one thousand dollars ..... $ 1,000.00

FROM THE MILLAGE FUND

For expenses, one thousand dollars ..... $ 1,000.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one clerk, eighteen hundred dollars ..... $ 1,800.00

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VISUAL EDUCATION
FROM THE EQUALIZATION FUND

For salaries and expenses, eight thousand dollars .....$ 8,000.00

VOCATIONAL EDUCATION
FROM THE GENERAL FUND

For salaries and expenses in connection with vocational education, twenty thousand dollars .....$ 20,000.00

In addition to the foregoing amount, all income from federal funds known as vocational U. S. aid fund, George Dean fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST
FROM THE GENERAL FUND

For salaries and expenses, six thousand dollars .....$ 6,000.00

APICULTURE DIVISION
FROM THE GENERAL FUND

For salaries and expenses, thirty-five hundred dollars....$ 3,500.00

STATE LAW LIBRARY
FROM THE GENERAL FUND

For salaries fixed by law, forty-three hundred dollars....$ 4,300.00

For capital, repairs and replacements, two hundred dollars .....$ 200.00

For operation, three hundred dollars .....$ 300.00

For legislative reference bureau, seventy-five dollars.....$ 75.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA
FROM THE GENERAL FUND

For salaries, forty-two hundred dollars .....$ 4,200.00

For capital, repairs and replacements, sixteen hundred dollars .....$ 1,600.00

For operation, seven hundred dollars .....$ 700.00

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STATE BOARD OF EXAMINERS
FROM THE GENERAL FUND

For salaries, eleven thousand seven hundred seventy-five dollars ..... $ 11,775.00

For capital, repairs and replacements, two hundred thirty-five dollars ..... $ 235.00

For operation, sixteen hundred twenty-five dollars ..... $ 1,625.00

STATE ACCOUNTANT AND BUDGET OFFICE
FROM THE GENERAL FUND

For salaries, eleven thousand two hundred dollars..... $ 11,200.00

For capital, repairs and replacements, one hundred seventy-five dollars ..... $ 175.00

For operation, thirty-five hundred ten dollars ..... $ 3,510.00

STATE ENGINEER
FROM THE GENERAL FUND

For salaries, fifty-four hundred dollars ..... $ 5,400.00

For capital, repairs, replacements and operations, fourteen hundred forty-seven dollars ..... $ 1,447.00

FROM THE CAREY LAND ACT FUND

For salaries and expenses, four hundred seventy-seven dollars ..... $ 477.00

STREAM GAUGING
FROM THE GENERAL FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

SURVEY OF INTERSTATE WATERS
FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars ..... $ 5,000.00

STATE HIGHWAY COMMISSION
FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration

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and engineering on the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by Initiative Measure No. 31 and acts supplementary or amendatory thereto; provided further, that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the state highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

COMMISSIONER OF STATE LANDS AND INVESTMENTS
FROM THE GENERAL FUND

For salaries, eighteen thousand nine hundred sixty dollars ..... $ 18,960.00

For capital, repairs and replacements, one hundred dollars ..... $ 100.00

For operation, forty-five hundred dollars ..... $ 4,500.00

CHIEF FIELD AGENT
FROM THE GENERAL FUND

For salaries and expenses, twenty-one thousand seven hundred fifty dollars ..... $ 21,750.00

MONTANA STATE SOIL CONSERVATION COMMITTEE

five hundred dollars ..... $ 500.00

FISH AND GAME COMMISSION
FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law.

In addition, thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

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CAPITOL BUILDING

FROM THE GENERAL FUND

For salaries fixed by law, twenty-eight thousand dollars..$ 28,000.00

For salary of postmaster and assistant, three thousand dollars .....$ 3,000.00

For salary of substitute for vacations, one hundred twenty-five dollars .....$ 125.00

For capital, repairs and replacements, five thousand dollars .....$ 5,000.00

For operation, fourteen thousand dollars .....$ 14,000.00

For expense of delivering mail, one hundred eighty dollars .....$ 180.00

All rents and collections received shall be deposited to the general fund.

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For salary of G. A. R. Custodian, nine hundred dollars..$ 900.00

STATE HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries and expenses, two hundred fifty thousand dollars $250,000.00

STATE LIQUOR CONTROL BOARD

FROM THE LIQUOR BOARD FUND

So much thereof as may be necessary to carry out the provisions of Sections 2815.153 and 2815.154, Revised Codes of Montana, 1935.

BEER DIVISION

FROM THE MONTANA BEER ACT FUND

So much thereof as may be necessary not exceeding ten (10%) per cent of all revenue to pay all lawful claims as provided by law.

LIQUOR LICENSE DIVISION

FROM THE LIQUOR LICENSE FUND

So much thereof as may be necessary not exceeding 10% of all revenue, to pay all lawful claims as provided by law.

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BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For salaries and expenses, one hundred two thousand two hundred four dollars $102,204.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, twelve thousand dollars ..... $ 12,000.00

FROM THE HIGHWAY FUND

For salaries and expenses, twenty-seven thousand dollars ..... $ 27,000.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline tax drawbacks, including refunds to the federal government, as much thereof as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY ADMINISTRATION

FROM THE GENERAL FUND

For salaries, eighty-three hundred dollars ..... $ 8,300.00

For operation, repairs and replacements, twelve hundred fifty dollars ..... $ 1,250.00

DAIRY DIVISION

FROM THE GENERAL FUND

For salaries and expenses, twenty-seven thousand six hundred forty dollars ..... $ 27,640.00

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GENERAL FUND

For salaries and expenses, seventy-one thousand nine hundred dollars $71,900.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, sixty-two thousand twenty-five dollars ..... $ 62,025.00

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

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FROM THE LIQUOR BOARD FUND

For salaries and expenses, twenty-five hundred dollars..$ 2,500.00

DIVISION OF LABOR AND PUBLICITY
FROM THE GENERAL FUND

For salaries and expenses of labor commissioner, five thousand dollars .....$ 5,000.00

DIVISION OF REAL ESTATE
FROM THE GENERAL FUND

For salaries and expenses, two thousand two hundred thirty-five dollars .....$ 2,235.00

COMMERCIAL FERTILIZER
FROM THE GENERAL FUND

For salaries and expenses, two hundred seventy-five dollars .....$ 275.00

Upon the request of the commissioner of agriculture the state board of examiners may transfer amounts between the grain, dairy and horticulture divisions, provided that the aggregate total is neither increased or decreased.

PURCHASING AGENT
FROM THE GENERAL FUND

For salaries, eight thousand six hundred dollars .....$ 8,600.00

FROM THE HIGHWAY FUND

For salaries not fixed by law and expenses, fourteen thousand five hundred dollars .....$ 14,500.00

FROM THE UNIVERSITY MILLAGE FUND

For salaries not fixed by law and expenses, five thousand dollars .....$ 5,000.00

FROM COLLECTIONS COMING INTO THE
FISH AND GAME FUND

excluding license fees paid by hunters, for salaries and expenses, one thousand dollars .....$ 1,000.00

STATE FORESTER
ADMINISTRATION
FROM THE GENERAL FUND

For salaries, seven thousand six hundred dollars .....$ 7,600.00

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For capital, repairs and replacements, one hundred dollars ..... $ 100.00

For operation, six hundred fifty dollars ..... $ 650.00

For exchange of lands, four hundred fifty dollars..... $ 450.00

PROTECTION OF STATE LANDS
FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand six hundred eighty-seven dollars ..... $ 17,687.00

TIMBER SALES
FROM THE GENERAL FUND

For salaries and expenses, ten thousand six hundred twenty dollars ..... $ 10,620.00

In addition to appropriation, there is hereby appropriated all moneys received as trust funds for the purposes for which they were provided.

SALARIES AND EXPENSES OF DISTRICT JUDGES
FROM THE GENERAL FUND

For salaries of district judges, one hundred ten thousand, four hundred dollars $110,400.00

For expenses, twelve thousand six hundred dollars ..... $ 12,600.00

SALARIES OF COUNTY ATTORNEYS
FROM THE GENERAL FUND

For salaries, fifty thousand dollars ..... $ 50,000.00

TRANSPORTATION OF PRISONERS
FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, nine thousand dollars ..... $ 9,000.00

MILK CONTROL BOARD
FROM THE GENERAL FUND

For salaries and expenses, seventy-five hundred dollars.. $ 7,500.00

UNEMPLOYMENT COMPENSATION COMMISSION
FROM THE UNEMPLOYMENT COMPENSATION
ADMINISTRATION FUND

Hereby appropriated for the use of the commission all moneys received from the federal government for this purpose.

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FROM THE UNEMPLOYMENT BENEFIT FUND

So much thereof as may be necessary to carry out the provisions of the law.

VETERANS WELFARE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, eighty-five hundred dollars....$ 8,500.00

The sum of fifty thousand dollars ($50,000.00) to be used by the veterans welfare commission by order of the board of examiners at such times and in such amounts as may from time to time appear to said board of examiners to be necessary to carry out the purposes of said commission.

All funds coming into the veterans welfare fund under the provisions of the appropriation shall be used for the benefit of men and women who shall have served in the armed forces of the United States in the present world war; no portion of said sum shall be spent for salaries or expenses of administration or for attorney's fees, and all claims shall be paid in the same manner as other claims are paid, and shall be paid out of the state treasury on warrants issued by the state auditor against orders drawn by the state board of examiners. The purpose of this act is for the encouragement, aid and assistance of the men and women returning from service in the present global war; to assist in getting jobs and employment, to provide for the education, training and comfort, and the physical, material, and mental well-being of those who have served in said armed forces.

The money appropriated under the provisions of this act shall be paid out by the state treasurer on warrants issued by the state auditor on orders drawn by the state board of examiners.

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay the same, as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

FIRE INSURANCE

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance

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on institutions or departments applicable thereto, three thousand dollars ..... $ 3,000.00

FROM THE MILLAGE FUND

As much as may be necessary to pay premiums for insurance on buildings or institutions for the greater university of Montana, three thousand dollars ..... $ 3,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, one thousand dollars ..... $ 1,000.00

FROM THE MOTOR VEHICLE DEPARTMENT

For premiums on insurance for the motor vehicle department, one hundred dollars ..... $ 100.00

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Approved March 15, 1943.

SUBSTITUTE HOUSE BILL NO. 152

An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and for All Other Expenditures

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Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning With July 1, 1943 and Terminating With June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of two million three hundred eighty thousand dollars ($2,380,000.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1943 and terminating with June 30, 1944.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million two hundred fifty thousand dollars $1,250,000.00

(b) For aid to needy dependent children, the sum of three hundred forty thousand dollars ..... $ 340,000.00

(c) For aid to the needy blind, the sum of forty-five thousand dollars ..... $ 45,000.00

(d) For child welfare services, including all state administrative costs, and for supplementary services for exceptional children, the sum of thirty-five thousand dollars ..... $ 35,000.00

(e) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars ..... $ 250,000.00

(f) For general relief and contingencies and to meet demands by counties on the department of public welfare resulting from suspension of works progress administration and discontinuance of the food stamp

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plan, one hundred fifty thousand dollars .....$ 150,000.00

(g) For payment to persons having silicosis pursuant to provisions of Chapter 5 of Session Laws of 1941, the sum of one hundred twenty-five thousand dollars .....$ 125,000.00

(h) For administrative costs of the state department, not otherwise provided for and including advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred eighty-five thousand dollars .....$ 185,000.00

Section 3. There is hereby appropriated for the state department of public welfare of the State of Montana out of any funds in the state treasury not otherwise appropriated, the sum of two million three hundred fifty-five thousand dollars ($2,355,000.00) for public assistance, for administrative costs in the state department and in the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1944, and terminating with June 30, 1945.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million two hundred fifty thousand dollars $1,250,000.00

(b) For aid to needy dependent children, the sum of three hundred forty thousand dollars .....$ 340,000.00

(c) For aid to the needy blind, the sum of forty-five thousand dollars .....$ 45,000.00

(d) For child welfare services, including all state administrative costs, and for supplementary services for exceptional children, the sum of thirty-five thousand dollars .....$ 35,000.00

(e) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as

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shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars ..... $ 250,000.00

(f) For general relief and contingencies and to meet demands by counties on the department of public welfare resulting from suspension of works progress administration and discontinuance of the food stamp plan, one hundred fifty thousand dollars ..... $ 150,000.00

(g) For payment to persons having silicosis pursuant to provisions of Chapter 5 of Session Laws of 1941, the sum of one hundred thousand dollars..... $ 100,000.00

(h) For administrative costs of the state department, not otherwise provided for and including advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of one hundred eighty-five thousand dollars ..... $ 185,000.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1943, and all funds which may be received from counties as reimbursements for the purposes for which they are designated and any other funds which may be received by the state department of public welfare, subject to Section 6 of this act.

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no transfer from items a, b, c, d, e, f, g, shall be transferred to item "h", administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 15, 1943.

HOUSE BILL NO. 179

An Act to Appropriate Money for the Operation, Maintenance and Other purposes, As Designated Herein, for Certain of the State's Institutions, for the Period Beginning July 1, 1943 and Ending June 30, 1945.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unex-

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pended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1943, and ending June 30, 1944.

STATE SCHOOL FOR DEAF AND BLIND
FROM THE GENERAL FUND

For salaries and expenses, sixty thousand dollars.....$ 60,000.00

In addition thereto there is hereby appropriated all income from land grants and all trust funds subject to any provisions of outstanding bonds.

STATE TRAINING SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, one hundred thirty-seven thousand five hundred dollars $137,500.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE ORPHANS' HOME
FROM THE GENERAL FUND

For salaries and expenses, ninety-nine thousand dollars .....$ 99,000.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

STATE INDUSTRIAL SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, fifty-eight thousand dollars .....$ 58,000.00

In addition thereto there is hereby appropriated all income from land grants and all trust funds subject to any provisions of outstanding bonds.

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STATE VOCATIONAL SCHOOL FOR GIRLS
FROM THE GENERAL FUND

For salaries and expenses, forty-four thousand five hundred dollars ..... $ 44,500.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

Repairs to buildings, three thousand dollars ..... $ 3,000.00

STATE PRISON
FROM THE GENERAL FUND

For salaries and expenses, one hundred seventy-three thousand dollars $173,000.00

For salary of bandmaster, two thousand dollars ..... $ 2,000.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

BUREAU OF IDENTIFICATION
FROM THE GENERAL FUND

For salaries and expenses, three thousand dollars ..... $ 3,000.00

LICENSE PLATE FACTORY
FROM THE MOTOR VEHICLE FUND

For salaries and expenses, so much thereof as may be necessary to pay lawful claims in the making of license plates as provided in Section 11573.5 of the Revised Codes of Montana, 1935.

STATE GARMENT FACTORY
FROM THE GENERAL FUND

For salaries and expenses, thirty-five hundred sixty dollars ..... $ 3,560.00

STATE HOSPITAL
FROM THE GENERAL FUND

For salaries, capital repairs and replacements, and operation, five hundred forty-five thousand dollars..... $545,000.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

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STATE TUBERCULOSIS SANITARIUM
FROM THE GENERAL FUND

For salaries and expenses, two hundred fifty thousand dollars $250,000.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE SOLDIERS' HOME
FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars..... $ 40,000.00

For repairing or replacing boiler in heating plant, twelve hundred dollars ..... $ 1,200.00

In addition thereto there is hereby appropriated all federal moneys and all trust funds which may accrue to said institution.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1944, and ending June 30, 1945.

STATE SCHOOL FOR DEAF AND BLIND
FROM THE GENERAL FUND

For salaries and expenses, sixty thousand dollars..... $ 60,000.00

In addition thereto there is hereby appropriated all income from land grants and all trust funds subject to any provisions of outstanding bonds.

STATE TRAINING SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, one hundred thirty-seven thousand five hundred dollars $137,500.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE ORPHANS' HOME
FROM THE GENERAL FUND

For salaries and expenses, ninety-nine thousand dollars ..... $ 99,000.00

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In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

STATE INDUSTRIAL SCHOOL
FROM THE GENERAL FUND

For salaries and expenses, fifty-eight thousand dollars ..... $ 58,000.00

In addition thereto there is hereby appropriated all income from land grants and all trust funds subject to any provisions of outstanding bonds.

STATE VOCATIONAL SCHOOL FOR GIRLS
FROM THE GENERAL FUND

For salaries and expenses, forty-four thousand five hundred dollars ..... $ 44,500.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

STATE PRISON
FROM THE GENERAL FUND

For salaries and expenses, one hundred seventy-three thousand dollars $173,000.00

For salary of bandmaster, two thousand dollars..... $ 2,000.00

In addition thereto there is hereby appropriated all trust funds which may accrue to said institution.

BUREAU OF IDENTIFICATION
FROM THE GENERAL FUND

For salaries and expenses, three thousand dollars..... $ 3,000.00

LICENSE PLATE FACTORY
FROM THE MOTOR VEHICLE FUND

For salaries and expenses, so much thereof as may be necessary to pay lawful claims in the making of license plates as provided in Section 11573.5 of the Revised Codes of Montana, 1935.

STATE GARMENT FACTORY
FROM THE GENERAL FUND

For salaries and expenses, thirty-five hundred sixty dollars ..... $ 3,560.00

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STATE HOSPITAL
FROM THE GENERAL FUND

For salaries, capital repairs and replacements, and operation five hundred thirty-six thousand one hundred dollars $536,100.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE TUBERCULOSIS SANITARIUM
FROM THE GENERAL FUND

For salaries and expenses, two hundred fifty thousand dollars $250,000.00

In addition thereto there is hereby appropriated all trust funds subject to any provisions of outstanding bonds.

STATE SOLDIERS' HOME
FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars..... $ 40,000.00

In addition thereto there is hereby appropriated all federal moneys and all trust funds which may accrue to said institution.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission. It is expressly understood that Sub-section (2) of Section 1 of this act shall mean that no new buildings shall be constructed nor any of the funds appropriated herein shall be pledged for that purpose.

Section 6. It is further provided that wherein departments or institutions have specific appropriations from sources other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriations from the general fund.

Approved March 13, 1943.

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HOUSE BILL NO. 237

An Act to Appropriate Funds to Provide Foster Home Care for Dependent and Neglected Children.

WHEREAS, the provisions of Subdivision (e) of Section IV of Part VI of Chapter 82 of the Laws of 1937 as amended by Section 19 of Chapter 129 of the Laws of 1939, and Subdivision (j) of Section IV of Part VI of Chapter 82 of the Laws of 1937 as amended by Section 20 of Chapter 129 of the Laws of 1939, provide for the department of public welfare in certain cases to care for children committed to the custody of the department in foster homes and for the establishing and strengthening of child welfare services by including protective services for the care of children in family foster homes;

AND WHEREAS, no funds are available or have been available for carrying into effect this legislative policy declared in the above mentioned acts, now therefore pursuant to this policy:

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of seven thousand five hundred dollars ($7,500.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any money of the state treasury not otherwise appropriated for the purpose of paying one-half of the cost of providing family foster home care for dependent and neglected children in all cases where the county of the residence of dependent and neglected children pays one-half of the cost of the care of such dependent and neglected children for the fiscal year beginning July 1, 1943 and ending June 30, 1944 to be administered by the state department of public welfare.

Section 2. That the sum of seven thousand five hundred dollars ($7,500.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any money of the state treasury not otherwise appropriated for the purpose of paying one-half of the cost of providing family foster home care for dependent and neglected children in all cases where the county of the residence of dependent and neglected children pays one-half of the cost of the care of such dependent and neglected children for the fiscal year beginning July 1, 1944 and ending June 30, 1945 to be administered by the state department of public welfare.

Section 3. All appropriations hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1943.

SUBSTITUTE HOUSE BILL NO. 252

An Act to Appropriate Money for the Payment of Special Irrigation District Assessments Levied by Toole County Irrigation District Upon Tracts of Land Belonging to the State of Montana and Situated Within the Limits of Toole County Irrigation District in Toole County, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five thousand dollars ($5,000), or so much thereof as may be necessary, be, and the same hereby is appropriated out of any money in the state treasury, not otherwise appropriated, for the object and purposes hereinafter expressed, but for no other:

TO STATE BOARD OF LAND COMMISSIONERS
FROM THE GENERAL FUND:

For the full and final settlement of special irrigation district assessments levied upon land belonging to the State of Montana, situated within Toole county irrigation district in Toole county, Montana, the validity of which has heretofore been adjudicated and determined by the supreme court of Montana.

Section 2. The appropriation hereinabove provided for shall be deemed and held valid, notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1943.

HOUSE BILL NO. 257

An Act to Appropriate Money for the Operation and Maintenance of, and Other Purposes as Designated Herein, for the Several

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Units of the Greater University of Montana, Known as the Montana State University, Montana State College, Experiment Stations and Substations and Extension Service Thereof, Montana School of Mines, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1943, and Ending June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of land, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original asset being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

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(8) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any money in the state treasury, and also from the special funds described herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1943, and ending June 30, 1944.

MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, three hundred forty-five thousand two hundred fifty-two dollars and eighty-four cents $345,252.84

For special repairs and replacements. This item may only be used for special repairs and replacements, such as re-roofing buildings, painting buildings, and not the normal repairs and replacements which are reoccurring, twenty thousand dollars ..... $ 20,000.00

For forest conservation experiment station, five thousand dollars ..... $ 5,000.00

FROM THE GENERAL FUND

For salaries and expenses, ninety-seven thousand three hundred seventy-five dollars ..... $ 97,375.00

In addition to the foregoing appropriations, all earnings of the experiment station of said state university, and also, all federal funds allotted or accruing thereto, shall be set aside in a special fund and and hereby appropriated to the said experiment station.

In addition to the above appropriations, there is hereby appropriated all income from land grants and endowments, and all trust funds, including moneys received as grants from the federal government for the use of the state university.

MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred thirty-four thousand six hundred and seventeen dollars $234,617.00

For repairs and replacements, thirteen thousand dollars ..... $ 13,000.00

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FROM THE GENERAL FUND

For salaries and expenses, ninety-two thousand nine hundred ninety-nine dollars and ninety-five cents .....$ 92,999.95

In addition to the above appropriations, there is hereby appropriated for the support and maintenance of the Montana state college (however described), all income from all land grants and all endowments, and all federal funds, and also, all trust funds.

In addition to the foregoing appropriations, all revenue received as fees or collections for the benefit of the department of nursing education shall be deposited with the state treasurer as a trust account and the entire amount is hereby appropriated solely for such purpose.

MONTANA AGRICULTURAL EXPERIMENT STATION
FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-seven thousand dollars..$ 67,000.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Montana grain inspection laboratory, eight thousand dollars .....$ 8,000.00

Horticulture branch station, six thousand dollars .....$ 6,000.00

Huntley branch station, thirteen hundred dollars .....$ 1,300.00

Judith Basin branch station, seventy-four hundred dollars .....$ 7,400.00

Fort Keough range station, thirteen hundred dollars ....$ 1,300.00

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North Montana branch station, thirteen thousand dollars ..... $ 13,000.00

All moneys collected by the Horticulture branch station, the Judith Basin branch station, and the north Montana branch station shall be set aside, each in a trust fund, from which fund there is hereby appropriated for the use of said branch stations, so much thereof as may be necessary for the payment of salaries and expenses.

In addition to each of the above appropriations, there is also hereby appropriated all moneys collected by the grain inspection laboratory for the use of that department; and in addition, there is hereby appropriated for each of the sub-stations all federal funds and also all trust funds.

EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-one thousand seven hundred fifty-nine dollars ..... $ 61,759.00

FROM THE GENERAL FUND

For salaries and expenses, thirty-six hundred dollars..... $ 3,600.00

In addition to each of the above appropriations, there is hereby also appropriated for the extension service, all federal funds and all trust funds.

MONTANA SCHOOL OF MINES, AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy-two thousand seven hundred and fifty dollars ..... $ 72,750.00

FROM THE GENERAL FUND

For salaries and expenses, fifteen thousand dollars..... $ 15,000.00

In addition to each of the above appropriations, there is also hereby appropriated for the support and maintenance of the Montana school of mines, all income from all land grants and all endowments, and all trust funds.

BUREAU OF MINES AND GEOLOGY

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

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MONTANA STATE NORMAL COLLEGE, AT DILLON
FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-four thousand one hundred dollars ..... $ 64,100.00

FROM THE GENERAL FUND

For salaries and expenses, eighty-four hundred dollars.... $ 8,400.00

In addition to each of the above appropriations, there is hereby also appropriated for the support and maintenance of the Montana state normal college at Dillon, one-half (½) of all income from all land grants, and all endowments, applicable under existing law, and all trust funds.

EASTERN MONTANA STATE NORMAL SCHOOL,
AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy thousand two hundred and fifty dollars ..... $ 70,250.00

FROM THE GENERAL FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

In addition to each of the above appropriations, there is hereby also appropriated for the support and maintenance of the eastern Montana state normal school, one-half (½) of all income from all land grants and all endowments, applicable under existing law, and all trust funds.

NORTHERN MONTANA COLLEGE, AT HAVRE
FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty thousand six hundred seventy-five dollars ..... $ 80,675.00

To be used for the purpose of construction in connecnection with the industrial arts building on the campus of the northern Montana College, ten thousand dollars..... $ 10,000.00

FROM THE GENERAL FUND

For salaries and expenses, sixteen thousand dollars..... $ 16,000.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds, and federal funds.

STUDENT RAILROAD REFUNDS
FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance

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upon any of the institutions of the greater university of Montana, two thousand dollars ..... $ 2,000.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and also from the special funds described herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1944, and ending June 30, 1945.

MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, three hundred seventy-six thousand four hundred seventy-one dollars and sixty-eight cents $376,471.68

For forest and conservation experiment station, five thousand dollars ..... $ 5,000.00

FROM THE GENERAL FUND

For salaries and expenses, ninety-seven thousand three hundred seventy-five dollars ..... $ 97,375.00

In addition to the foregoing appropriations, all earnings of the experiment station of said state university, and also, all federal funds allotted or accruing thereto, shall be set aside in a special fund, and are hereby appropriated to the said experiment station.

In addition to the above appropriations, there is hereby appropriated all income from land grants and endowments, and all trust funds, including moneys received as grants from the federal government for the use of the state university.

MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred thirty-seven thousand five hundred nineteen dollars $237,519.00

FROM THE GENERAL FUND

For salaries and expenses, ninety-two thousand nine hundred ninety-nine dollars and ninety-five cents..... $ 92,999.95

In addition to the above appropriations, there is hereby appropriated for the support and maintenance of the Montana state college (however described), all income from all land grants and all endowments, and all federal funds, and, also, all trust funds.

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In addition to the foregoing appropriations, all revenue received as fees or collections for the benefit of the department of nursing education shall be deposited with the state treasurer as a trust account and the entire amount is hereby appropriated solely for such purpose.

MONTANA AGRICULTURAL EXPERIMENT STATION FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-six thousand five hundred twenty dollars ..... $ 66,520.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station, so much thereof as may be necessary for the payment of salaries and expenses, including the purchase of farm lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Montana grain inspection laboratory, eight thousand dollars ..... $ 8,000.00

Horticulture branch station, six thousand dollars ..... $ 6,000.00

Huntley branch station, thirteen hundred dollars ..... $ 1,300.00

Judith Basin branch station, seventy-four hundred dollars ..... $ 7,400.00

Fort Keough range station, thirteen hundred dollars .... $ 1,300.00

North Montana branch station, thirteen thousand dollars ..... $ 13,000.00

All moneys collected by the horticulture branch station, the Judith Basin branch station, and the north Montana branch station shall be set aside each in a trust fund, from which fund there is hereby appropriated for the use of said branch stations, so much thereof as may be necessary for the payment of salaries and expenses.

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In addition to each of the above appropriations, there is also hereby appropriated all moneys collected by the grain inspection laboratory for the use of that department; and in addition there is hereby appropriated for each of the sub-stations all federal funds and also all trust funds.

EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-one thousand eight hundred fifty dollars ..... $ 61,850.00

FROM THE GENERAL FUND

For salaries and expenses, thirty-six hundred dollars..... $ 3,600.00

In addition to each of the above appropriations, there is hereby also appropriated for the extension service all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy-two thousand seven hundred fifty dollars ..... $ 72,750.00

FROM THE GENERAL FUND

For salaries and expenses, fifteen thousand dollars ..... $ 15,000.00

In addition to each of the above appropriations, there is also hereby appropriated for the support and maintenance of the Montana school of mines, all income from all land grants and all endowments, and all trust funds.

BUREAU OF MINES AND GEOLOGY

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, nine thousand dollars ..... $ 9,000.00

MONTANA STATE NORMAL COLLEGE, AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-four thousand one hundred dollars ..... $ 64,100.00

FROM THE GENERAL FUND

For salaries and expenses, eighty-four hundred dollars.... $ 8,400.00

In addition to each of the above appropriations, there is hereby also

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appropriated for the support and maintenance of the Montana state normal college at Dillon, one-half (½) of all income from all land grants, and all endowments, applicable under existing law, and all trust funds.

EASTERN MONTANA STATE NORMAL SCHOOL, AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy thousand two hundred fifty dollars ..... $ 70,250.00

FROM THE GENERAL FUND

For salaries and expenses, six thousand dollars ..... $ 6,000.00

In addition to each of the above appropriations, there is hereby also appropriated for the support and maintenance of the eastern montana state normal school, one-half (½) of all income from all land grants and all endowments, applicable under existing law, and all trust funds.

NORTHERN MONTANA COLLEGE, AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty-three thousand one hundred seventy-five dollars ..... $ 83,175.00

FROM THE GENERAL FUND

For salaries and expenses, sixteen thousand dollars..... $ 16,000.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds.

STUDENT RAILROAD REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the greater university of Montana, two thousand dollars ..... $ 2,000.00

Section 4. Specific provisions.

All appropriations contained herein shall be used for the purposes designated, and no others, subject to and under the definition appearing in Section 1, of this act, which shall govern all appropriations.

In the event any institution, department, station or service, or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from

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such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund.

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana, except by special permission of the state board of examiners, obtained in advance.

Section 6. The appropriations provided for herein shall be deemed and held valid notwithstanding any provisions of the budget act.

Approved March 15, 1943.

HOUSE BILL NO. 258

An Act to Appropriate Money for the Pension Accumulation fund and the Expense Fund of the Teachers' Retirement System of the State of Montana, for the Period Beginning July 1, 1943, and Ending June 30, 1945; and Providing That the Appropriation for the Pension Accumulation Fund Shall Not Be Deemed a Determination of the Normal or Deficiency Contributions by the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums be, and the same are hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1943, and ending June 30, 1944.

THE TEACHERS' RETIREMENT SYSTEM
OF THE STATE OF MONTANA

FROM THE GENERAL FUND

Contribution of the state to the pension accumulation fund, one hundred fifty thousand dollars $150,000.00

For the expense fund, four thousand dollars ..... $ 4,000.00

Section 2. That the following sums be, and the same are hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1944, and ending June 30, 1945.

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THE TEACHERS' RETIREMENT SYSTEM
OF THE STATE OF MONTANA

FROM THE GENERAL FUND

Contribution of the state to the pension accumulation fund, one hundred fifty thousand dollars $150,000.00

For the expense fund, four thousand dollars ..... $ 4,000.00

Section 3. The amounts herein appropriated for the pension accumulation fund shall not be deemed to be a determination of the normal or deficiency contribution by the state under Section 8 of Chapter 87 of the laws of 1937, as amended by Chapter 202 of the laws of 1939 or any amendatory acts thereto.

Section 4. Appropriations hereinbefore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 5. Any teacher holding any position of public trust and receiving pay from any county, state, or federal funds, shall not be eligible to receive teachers' pensions during the time so employed.

Approved March 5, 1943.

HOUSE BILL NO. 260

An Act Making Appropriations for the State Public School General Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1943 and Ending June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated from the state treasury for the state public school general fund to be distributed in accordance with Chapter 112, Revised Codes of Montana, 1935, and any amendatory acts thereto, for the period beginning July 1, 1943, and ending June 30, 1944, the following amount:

FROM THE GENERAL FUND

Seven hundred thousand dollars $700,000.00

Section 2. That there is hereby appropriated from the state treasury for the state public school general fund to be distributed in accordance with Chapter 112, Revised Codes of Montana, 1935, and

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any amendatory acts thereto, for the period beginning July 1, 1944, and ending June 30, 1945, the following amount:

FROM THE GENERAL FUND

Seven hundred thousand dollars $700,000.00

Section 3. The appropriations hereinbefore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 2, 1943.

HOUSE BILL NO. 261

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Department of Adjutant General.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the department of adjutant general.

For obligations incurred by the department of adjutant general, three hundred two dollars and sixty-nine cents..... $302.69

More particularly itemized as follows:

St. John's Hospital $150.45

Industrial Accident Board ..... $ 31.24

Dr. Samuel Werner $121.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

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HOUSE BILL NO. 262

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State College.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the millage fund, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state college.

FROM THE MILLAGE FUND

Brack Motor Supply $104.40

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 263

An Act to Appropriate Money for a Certain Deficiency Claim Arising Out of the Investigation of the Attorney General for Alleged Illegal Premium Overpayment of Insurance by the State of Montana As Instructed by the Twenty-seventh Session of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of paying the deficiency of the firm of Kelly and Risley, certified public accountants, which was assigned to the State Bank and Trust Company of Dillon, Montana.

FROM THE GENERAL FUND

State Bank and Trust Company, Dillon, Montana, assignee, two thousand dollars ..... $ 2,000.00

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Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 264

An Act to Appropriate Money from the General Fund of the State of Montana for the Operating and Maintenance of Certain Departments and Institutions for the Present Fiscal Year Ending June 30, 1943, the Appropriations Made by the Twenty-seventh Legislative Assembly Have Been Used to the Extent That the Balance Available Is Found to Be Inadequate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may severally be found necessary, be, and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the objects and purposes expressly enumerated herein, for the period ending June 30, 1943.

STATE FORESTER

FROM THE GENERAL FUND

For fire protection of state lands, seven thousand five hundred twenty dollars sixty-six cents ..... $ 7,520.66

MONTANA TRAINING SCHOOL

FROM THE GENERAL FUND

For operation, ten thousand dollars ..... $ 10,000.00

STATE SCHOOL FOR DEAF AND BLIND

FROM THE GENERAL FUND

For operation, twenty-five hundred dollars ..... $ 2,500.00

STATE HOSPITAL

FROM THE GENERAL FUND

For operation, thirty-five thousand dollars ..... $ 35,000.00

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STATE PRISON

FROM THE GENERAL FUND

For operation, ten thousand dollars .....$ 10,000.00

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For operation, twenty-five hundred dollars .....$ 2,500.00

Section 2. The appropriations enumerated hereinbefore are declared to be made because of the fact that insufficient funds were available for the departments enumerated above to June 30, 1943.

Section 3. The appropriations herein shall be held and deemed legal and valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1943.

HOUSE BILL NO. 265

An Act to Appropriate Money for Certain Claims of the Twenty-seventh Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums of money or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following claims for obligations incurred by the twenty-seventh legislative assembly of the State of Montana.

To the State Publishing Company.

For senate and house journals, of the 1941 session, two thousand four hundred seventy nine dollars and thirty-one cents .....$ 2,479.31

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1943.

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HOUSE BILL NO. 266

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State Forester.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the state forester.

For obligations incurred by the state forester, four thousand six hundred ninety-nine dollars thirty-three cents $4,699.33

More particularly itemized as follows:

Blackfoot Forest Protective Association $1,673.66

Northern Montana Forestry Association $3,025.67

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 267

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Deaf and Blind School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the deaf and blind school.

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For obligations incurred by the deaf and blind school expense, one thousand four hundred eighty-six dollars and eighteen cents $1,486.18

More particularly itemized as follows:

City of Great Falls Water Department	$ 118.45
Great Falls Gas Company	104.30
Berger Meat Company	392.30
Montana Power Company	262.76
Beatrice Creamery Company	29.44
Montana Hardware Company	2.37
Home Oil and Refining Company	16.82
Railway Express Agency	3.29
Barber Music Standard Furniture, Inc.	6.89
Tribune Printing and Supply Company	1.50
Crane Company	2.99
Nash Finch Company	7.57
Idowell Creamery Company	78.71
Industrial Accident Board	194.55
School for Deaf and Blind, Contingent Claim	204.24
Edwin G. Peterson	60.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 268

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the State Industrial School.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the general fund, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the industrial school.

FROM THE GENERAL FUND

Montana Dakota Utilities Company, one hundred ninety dollars $190.00

Section 2. Appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval

Approved March 2, 1943.

HOUSE BILL NO. 269

An Act to Appropriate Money for the Purpose of Repayment of Over-payment of Corporation License Taxes Paid to the State of Montana and Authorizing the Repayment of Same from the General Fund of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of repayment of over-payment of corporation license taxes paid to the State of Montana.

FROM THE GENERAL FUND

For the repayment of corporation license taxes, three thousand thirty-six dollars thirty-eight cents $3,036.38

More particularly itemized as follows:

Austin Land and Livestock Company	$ 35.70
Beartooth Oil Company	5.00
Bechtel, McCone, Parsons Corporation	344.81
Big Horn County Bank	106.14
Trustees for Formers Builders Oil Company	5.00

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Fligelman's Credit Union	10.00
Gazette Printing Company	116.30
H. L. Green Company	28.20
H. L. Green Properties Corporation	18.33
Trustees for Former Holding Corporation	5.00
K. M. Employees Federal Credit Union	5.00
Trustees of the Former Long Investment Company	5.00
Montana Teachers' Credit Union	10.00
State Capitol Employees Credit Union	5.00
Trustees of the Former Trask Sheep Company	903.95
Trustees of the Former Winchell Springs Land Co.	5.00
Antler Sheep Company	653.68
Antler Land Company	168.99
Finance Service Corporation	266.90
Newman-Thomas Coffee Company	41.90
Nybo Motor Company	7.43
Roberts Sheep Company	230.46
Murray Hospital	43.59
Associated Credit Union	15.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 270

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Normal College.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the millage fund, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the normal college.

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FROM THE MILLAGE FUND

Tribune Printing and Supply Company, one hundred eighty-two dollars and eighty-seven cents $182.87

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 271

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the Secretary of State's Office for Election Expenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying the following deficiency claim arising for obligations incurred by the secretary of state's office for election expenses.

FROM THE GENERAL FUND

For the claim of the Naegele Printing Company, five hundred thirty-one dollars and thirty-three cents $531.33

Section 2. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 272

An Act to Appropriate Money for the Department of Public Welfare

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of the State of Montana for the Payment of Grants to Counties to Supplement County Poor Funds and Providing an Additional Appropriation for Silicosis Payments for the Period Ending June 30, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other.

For grants to counties to supplement county poor funds to be apportioned by the state department of public welfare among the several counties of the state upon the basis of need:

Seventy-five thousand dollars $75,000.00

Section 2. There is hereby appropriated an additional appropriation for the purpose of paying silicosis payments for the period ending June 30, 1943,

Fifty thousand dollars $50,000.00

Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1943.

HOUSE BILL NO. 273

An Act to Appropriate Money for the Payment of Per Diem to the Officers and Attaches and for the Incidental Expenses of the Twenty-eighth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed.

For the payment of per diem to the officers and attaches

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of the twenty-eighth legislative assembly of the State of Montana, twenty-eight thousand dollars $28,000.00

For the payment of incidental expenses of the twenty-eighth legislative assembly of the State of Montana, seven thousand dollars .....$ 7,000.00

Section 2. The amounts appropriated herein are to be used for the purposes designated.

However, if there is a surplus in any one item, it may be transferred to the other item appropriated herein for the legislative assembly; provided the aggregate amount of the two appropriations shall be neither increased or decreased.

Section 3. Appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1943.

HOUSE BILL NO. 274

An Act to Appropriate Money for the Use of the Water Conservation Board of the State of Montana for the Administration Fund and for the Conservation Revolving fund of the Water Conservation Board for the Period Beginning July 1, 1943, and Ending June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the purposes hereinafter expressed for the period beginning July 1, 1943, and ending June 30, 1944.

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For the water conservation board administration
For salaries and expenses, forty thousand dollars.....$40,000.00

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For the water conservation board revolving fund
For salaries and expenses, eighty-five thousand dollars....$85,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source, by reason of any expenditures made by said board from state funds in the past, are hereby appropriated.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the purposes hereinafter expressed for the period beginning July 1, 1944, and ending June 30, 1945.

WATER CONSERVATION BOARD
FROM THE GENERAL FUND

For the water conservation board administration
For salaries and expenses, forty thousand dollars.....$40,000.00

For the water conservation board revolving fund
For salaries and expenses, eighty-five thousand dollars....$85,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source, by reason of any expenditures made by said board from state funds in the past, are hereby appropriated.

Section 3. Appropriations herein above provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 6, 1943.

HOUSE BILL NO. 276

An Act to Appropriate Money for the Use of the Montana War Council in Carrying Out the Objects and Purposes of Said Council for the Period Beginning July 1, 1943, and Ending June 30, 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as shall be found necessary, be, and the same is hereby appropriated out of any money in the state treasury in the general fund of the State of Montana, not otherwise appropriated, for the objects and purposes ex-

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pressly enumerated hereinafter, for the period beginning July 1, 1943, and ending June 30, 1944.

MONTANA WAR COUNCIL
FROM THE GENERAL FUND

For expenses, six thousand dollars ..... ($6,000.00)

Section 2. That the following sum or so much thereof as shall be found necessary, be, and the same is hereby appropriated out of any money in the state treasury in the general fund of the State of Montana, not otherwise appropriated, for the objects and purposes expressly enumerated hereinafter, for the period beginning July 1, 1944, and ending June 30, 1945.

MONTANA WAR COUNCIL
FROM THE GENERAL FUND

For expenses, six thousand dollars ..... ($6,000.00)

Section 3. The appropriation contained herein shall be held and deemed valid notwithstanding the provisions of the budget act.

Approved March 6, 1943.

HOUSE BILL NO. 282

An Act to Appropriate Money to Be Expended Under the Direction of the Governor of the State of Montana in Conducting An Investigation of the Bear Creek Coal Mine Disaster.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five thousand dollars ($5,000.00) or so much thereof as may be necessary is hereby appropriated from the general fund of the state not otherwise appropriated to be expended under the direction of the governor of the State of Montana in conducting and causing to be conducted a full and thorough inquiry and investigation of the cause of the Bear Creek coal mine disaster.

Section 2. That the appropriation herein provided for shall be held to be valid notwithstanding the provisions of the budget act.

Section 3. That this act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1943.

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HOUSE MEMORIAL NO. 1

To the War Production Board and Secretary of Agriculture Requesting Reconsideration of Both National Quotas of New Farm Machinery for 1943 and the Present State Quotas.

WHEREAS the war production board has seen fit to severely curtail the 1943 production of farm machinery, despite representations of need by county and state war boards and the secretary of agriculture, and despite the fact that the steel needed for producing farm machinery is a very small percentage of total annual steel production and further despite the fact that more farm machinery is needed in order to meet 1943 war production goals of food and fiber crops and to replace lost farm labor, and

WHEREAS the quotas of both 1943 farm machinery production and other new machinery which it has been necessary to set up to allocate available supplies entails unfortunate discriminations among states, counties and individual farmers needing machinery and replacements, and

WHEREAS as an example of the foregoing, Montana now needing hammer mills and feed grinders for grinding winter feed for livestock and having requests for approximately 500, has been allotted only 49 in comparison with 379 allotted North Dakota whose total livestock units are practically the same as the State of Montana and,

WHEREAS a survey conducted among the many members of the house of representatives who are engaged in agricultural pursuits, revealed that inability to buy sufficient badly needed farm machinery is one of the major factors which threaten to seriously handicap food production.

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES IN SESSION ASSEMBLED:

That we petition the war production board and the secretary of agriculture to reconsider both the national quotas of new farm machinery for 1943 and the present state quotas to the end that quotas may be increased and more equitably allocated and that farmers may be equipped to handle the huge task of farm production which it is well known is so vital to the successful prosecution of the war and the feeding of our armed forces, our allied soldiers and our civilian workers,

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the journal of the house, and that a copy thereof properly attested by the speaker and the clerk of the house, be transmit-

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ted by the secretary of state to the war production board, Donald M. Nelson, chairman, and to Claude R. Wickard, secretary of agriculture, Washington, D. C., and to the senators and representatives in congress from Montana.

HOUSE MEMORIAL NO. 2

A Memorial to the House of Representatives of the State of Montana, to the President of the United States, the Honorable Donald M. Nelson, Director, War Production Board; the Honorable James F. Byrnes, Administrator, Office Price Administration; the Honorable Joseph B. Eastman, Director, Office Defense Transportation; and the Honorable William M. Jeffers, Federal Rubber Administrator, All of Washington, D. C. Requesting Increase of Speed Limit of Busses and Trucks on Highways in the State of Montana From Thirty-five (35) Miles per Hour to Forty-five (45) Miles per Hour.

WHEREAS, by reason of the construction of passenger busses and trucks used for freighting and commercial purposes and their gears and transmission machinery, a speed limit of thirty-five (35) miles per hour requires the operation of the vehicle in gears, with the result that a large part of the mileage of the bus is necessarily performed in third gear, rather than in the high or speed gear, and such abnormal use of the gears is rapidly wearing down the gears and transmission of the vehicle, with the result that the running life of the vehicle is being exhausted by reason of the limitation on speed; and

WHEREAS, said vehicles are so constructed that a speed limit in excess of thirty-five (35) miles per hour, and at approximately forty-five (45) miles per hour, permits the operation of the vehicle in the high or cruising gear; and

WHEREAS, such passenger busses and trucks used for freighting and commercial purposes would seem to be essential to the movement of troops and the ordinary necessary civilian transportation;

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the twenty-eighth legislative session of the State of Montana, that we respectfully urge that Section 1394.8171 of Rationing Order 5-C, effective December 1, 1942, be amended, and that the speed limit on passenger busses and trucks used for freighting and

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commercial purposes operating in the State of Montana be increased from thirty-five (35) miles per hour to forty-five (45) miles per hour, in order to conserve these busses and trucks, and especially their gears and transmission against such abnormal exhaustion of the gears and other parts of the power gears and transmission systems necessarily made of hardened steel; and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted to the officials named in the first paragraph hereof by the secretary of state of Montana.

Approved March 5, 1943.

HOUSE JOINT MEMORIAL NO. 1

A Joint Memorial to the Congress of the United States Requesting the Amendment by That Body of the Social Security Act of Congress so as to Provide for the Payment by the Federal Government of Social Security to City, County and State Officers and Employees, and School Teachers.

To the Honorable Senate and House of Representatives of the United States of America:

WHEREAS, the social security act of congress makes no provision for the payment to city, county or state officers or employees

NOW, THEREFORE, be it resolved by the senate and the house of representatives of the twenty-eighth legislative assembly of the State of Montana, both houses concurring, that the congress of the United States of America be, and it is hereby respectfully urged to amend the social security act in such manner as to provide for the payment by the federal government of adequate social security to city, county and state officers and employees, and school teachers, and thus place them in a position of equality with industrial and other employees, and

BE IT FURTHER RESOLVED, that copies of this memorial be mailed by the secretary of state to the president of the United States, to the president of the senate of the United States, to the speaker of the house of representatives of the United States, and to each of the senators and representatives in congress from the State of Montana.

Approved February 17, 1943.

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SUBSTITUTE FOR HOUSE JOINT MEMORIAL NO. 3

A Joint Memorial to the President and the Senate of the United States of America, Setting Forth the Wishes of the Twenty-eighth Legislative Assembly of Montana, Relative to the Winning of the War by the Total Defeat of the Axis Powers, and Relative to Post-War Settlements Affecting the Peace and Stability of Our Country and of the World, and Asking the President and the Senate, as the Treaty-making Power in Our Country, to Fully Recognize and Accept Our National Duty and Responsibility in the Re-establishment and Future Maintenance of World Peace and Order.

To the President and the Senate of the United States:

WHEREAS, Young men from Montana are for a second time in a generation fighting and dying on foreign soil for the freedom and security of our nation; and

WHEREAS, The people of our state mindful of the fact that a nation as large and as powerful as the United States of America will find it impossible to maintain a policy of complete isolation in a world in which distances are being cut down every day by continually improving means of transportation and communication, and hopeful that in the peace to follow our certain victory that our country will, together with the other nations, accept its full share of responsibility in the reorganizing and rebuilding of the post-war world and the safeguarding of world peace; and

WHEREAS, Realizing that the new problems our nation will face in its task of helping to establish and maintain a just and durable peace, may require certain sacrifices, a high devotion to the cause of world peace, a united effort on the part of all citizens of the nation, and a determination to insist on the maintenance of a free and stable order in the world regardless of race or religion;

NOW, THEREFORE, BE IT RESOLVED, That the twenty-eighth legislative assembly of the State of Montana, in regular session assembled, the senate and house concurring, do respectfully and earnestly urge upon the president and the senate of the United States, our firm conviction that our war effort should not stop short of the total military defeat of all the Axis powers, our belief in the vital need of our country's full cooperation and responsibility, with the other United Nations, in re-establishing order after the present war; in the maintenance of peace in the many countries where civil law has been wiped out during this war, and in the necessary use of international policing or such other means as may be required to keep such peace: In the readjustment of treaties with other nations so

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the world trade and commercial needs and possibilities may be encouraged and developed to the mutual benefit of all nations and peoples; and in the necessity that our country accept this inevitable change in our world relations, and enter upon such new policy with the courage and determination characteristic of the United States of America, and with a full confidence in the eventual solution of the principal problems ahead, to the end that American principles may benefit the rest of the world, and strengthen and fortify here at home, those same principles of economic and political democracy which we so deeply cherish.

BE IT FURTHER RESOLVED, That copies of this Memorial be transmitted by the secretary of state of Montana, to the Honorable Franklin D. Roosevelt, president of the United States, to the Honorable Senate of the United States, to the members of congress from the State of Montana, and to each of the legislative assemblies of the several states of the United States of America.

Approved February 17, 1943.

HOUSE JOINT MEMORIAL NO. 5

A Memorial to the President and the Congress of the United States and to War Manpower Commissioner Paul V. McNutt Protesting the Uncertainty of the Economic Status of the Men Now Under Provisions of the Draft Law and Urging Congress of the United States to Enact Proper Legislation to Amend the Present Selective Service Act and Requesting War Manpower Commissioner Paul V. McNutt to Establish by Executive Order a Uniform System for Inducting Married Men With Children Into the Armed Forces.

To the President of the United States and to the Honorable Senate and House of Representatives of the United States in Congress Assembled and to War Manpower Commissioner Paul V. McNutt:

WHEREAS, There has existed no uniform policy for the drafting of men in the armed forces by the selective service, and

WHEREAS, Such policy has caused much uncertainty of the economic status of the men now under the provision of the draft law, and

WHEREAS, Married men in Montana were drafted long before married men were drafted in many other states, and

WHEREAS, In the Associated Press report of January 19, of an

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interview with War Manpower Commissioner Paul V. McNutt, the uncertain status of married men with children still exists, and

WHEREAS, We citizens of Montana do not wish a repetition of the above conditions by having our married men with children drafted in the armed forces before all available manpower in the previous classification has been drafted in the other states.

NOW, THEREFORE, Be it resolved by the house of representatives of the twenty-eighth legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the congress of the United States to enact proper legislation to amend the present selective service act by creating a national pool of manpower for the purpose of selection of men into our armed forces and that War Manpower Commissioner Paul V. McNutt be urged by executive order to establish in the meantime a uniform system of draft as between the various states.

BE IT FURTHER RESOLVED, That no state shall be required to send married men with children into the armed forces until all states shall be uniformly required to do likewise.

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded by the chief clerk of the house of representatives, to the president of the United States, to the vice-president of the United States, to the speaker of the house of representatives of the United States and to the senators and representatives in congress from the State of Montana.

Approved February 24, 1943.

HOUSE JOINT MEMORIAL NO. 6

A Joint Memorial to the Honorable Burton K. Wheeler, the Honorable James E. Murray, the Honorable James F. O'Connor, and the Honorable Mike Mansfield Requesting the Introduction and Enactment of Appropriate Legislation Authorizing the Federal Government to Grant to the State of Montana That Part of the Federal Reservation Located South of Havre Known as the "Beaver Creek Park" for Use as a State Park in Perpetuity.

To the Honorable Burton K. Wheeler, the Honorable James E. Murray, the Honorable James F. O'Connor and the Honorable Mike Mansfield:

WHEREAS, The federal reservation known as "Beaver Creek

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Park'' and located south of Havre, Montana, has been for some years supervised and controlled by the city of Havre, as custodian for the United States government; and has been developed into a well-known and much used recreation spot for the people of a large area in northern Montana; and

WHEREAS, This reservation is a portion of the original Fort Assiniboine military reservation, and as such has interesting historical significance, as well as being a place of rare natural beauty, and should be preserved and developed as a public park for the use of all the people; and

WHEREAS, The funds available out of the budget of the city of Havre, while ample for operation of the park on its present basis, will not permit its development and the expansion of its facilities necessary to its utilization to the fullest extent; and the development of such a natural resource should be participated in by all of the people and not by one community only;

NOW, THEREFORE, BE IT RESOLVED, By the house of representatives of the twenty-eighth legislative assembly of the State of Montana, the senate concurring, does hereby earnestly request the Honorable Burton K. Wheeler, the Honorable James E. Murray, the Honorable James F. O'Connor and the Honorable Mike Mansfield to introduce appropriate legislation in the congress of the United States of America authorizing the federal government to grant to the State of Montana that portion of the original Fort Assiniboine military reservation now known as ''Beaver Creek Park'' for use as a state park in perpetuity.

BE IT FURTHER RESOLVED, That copies of this Memorial be transmitted by the secretary of state of the State of Montana to the Honorable Harold Ickes, secretary of the interior, the Honorable Burton K. Wheeler, the Honorable James E. Murray, the Honorable James F. O'Connor and the Honorable Mike Mansfield.

Approved March 2, 1943.

HOUSE JOINT MEMORIAL NO. 7

A Resolution Memorializing the Congress of the United States to Enact Suitable Legislation to Grant Full and Complete Civil Rights to All Indians Who Are Members of, or Who Served in the United States in Any War in Which the United States Is a Part.

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To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, On December 7, 1941, when Pearl Harbor was so treacherously attacked by the Japs, all hearts were stirred to their depths all over America, and our Heavenly Father knows that many Indian people were on their knees that day, the same as many sons' mothers bended the knee throughout our beloved land, and

WHEREAS, The American Indians have proven undivided loyalty to the principles of democracy, justice and equality to all men, by enlisting in the armed forces of the United States of America in the first world war and in the present global conflict, and

WHEREAS, The honored dead of the Montana Indians represents a proud record equal, and sometimes even surpassing the zeal of other races, and attestation of this is confirmed by the awards granted by many nations for distinguished service and valor, and

WHEREAS, Subsequent to the first world war, the congress of the United States recognizing these undeniable facts, enacted the Indian citizenship act of June 2, 1924, granting a limited right of franchise, and

WHEREAS, The American people in many ways have manifested a desire that the American congress recognize the Indian soldiers and others in the various services as an integral part of the American people by granting the many privileges enjoyed by all soldiers of other services, and

WHEREAS, Notwithstanding the fact that the American Indian is the smallest minority of all the many races in the United States, less than one-half million, and specific peace treaties signed with the government not to take up arms again and pledging undying devotion and loyalty "from where the sun now stands," the rate of enlistment is the highest throughout the nation, and

WHEREAS, Such devotion and loyalty to a protecting nation such as the stars and stripes have represented must be persuasive to the American people and the American congress compelling them to bring them under the glorious folds of the Atlantic Charter proclaimed to the world as a mile post in the progress of humanity to a better world, and

NOW, THEREFORE, BE IT RESOLVED, By the house and senate of the twenty-eighth legislative assembly of Montana, assembled at the state capitol at Helena, Montana, that it memorializes the first session of the seventy-eighth congress of the United States of America now assembled in session that it enact into law, H. R. 5212—sev-

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enty-seventh congress or some such similar legislation for the purpose of granting full and complete civil rights to all Indians who are members of, or otherwise served in the armed services of the United States in any war that the United States is a party thereto,

PROVIDED FURTHER, That in granting full rights enjoyed by other citizens of the United States, all acts, or parts of acts, found in conflict with this proposed legislation found to deny the said American Indian soldier, the free exercise of control of all personal and real estate shall be considered inapplicable or repealed in such cases, and

PROVIDED FURTHER, That copies of this memorial be furnished by the secretary of state to each of our senators and congressmen from Montana, with the request that legislation be immediately introduced and pressed for passage in order to adjust an error of long standing; and to give a legal right that justly belongs to the American Indian soldier, who in many cases, have paid dearly for this American right.

Approved, February 24, 1943.

HOUSE JOINT MEMORIAL NO. 8

A Memorial in Relation to the Reopening of Sewing Rooms Heretofore Operated Under the Works Project Administration to Manufacture Hospital Garments and Repair Clothing for the War Department.

To the Honorable Burton K. Wheeler and the Honorable James E. Murray, Senators From the State of Montana, and to the Honorable James F. O'Connor and the Honorable Mike Mansfield, Members of Congress From the State of Montana:

Your Memorialists, the members of the house of representatives of the twenty-eighth legislative assembly of the State of Montana, the senate concurring, respectfully represent as follows:

That, whereas, the works project administration has heretofore equipped sewing rooms in many of the principal cities of the State of Montana, employing large numbers of women otherwise unemployed in the manufacture of garments, and these projects are now closed; and

Whereas, many of these women are now left without employment and unless employment is provided they will require assistance from public welfare agencies; and

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Whereas, the war department has arranged with agencies outside the State of Montana for the manufacture of hospital garments and repair of clothing for the armed forces of the United States in centers where there is a shortage of skilled operators to perform these services and where living quarters are not available; and

Whereas, many of these women who have heretofore worked in these sewing projects have attained unusual skill in the performance of these services, but owing to family connections and advanced age are unable to remove to centers where the employment mentioned is available, and if they did so remove would be unable to find suitable living quarters; and

Whereas, if the war department of the United States would cause these sewing rooms to be opened no expenditure of funds will be necessary to secure equipment and a skilled staff of workers is available to operate these projects who otherwise will be unemployed;

Therefore, Be It Resolved that we hereby petition the above named senators and representatives from Montana in congress assembled that we may have their full cooperation and assistance in securing from the war department of the United States of America the reopening and operation of the sewing rooms herein mentioned to assist in the war effort and provide employment for these residents of Montana who are otherwise unemployed.

Approved February 25, 1943.

HOUSE JOINT RESOLUTION NO. 1

A Resolution Recognizing the Necessity of Public Officers and Employees of the State of Montana, and All of Its Subdivisions, Adhering to and Participating in the Payroll Savings Plan for Purchase of War Bonds, Expressing the Determination of the Legislative Assembly to Adhere to Such Plan in the Present Session and Urging Upon All Public Offices, Departments, Institutions and Stations of the State of Montana and Its Subdivisions Regular Participation in and Adherence to Said Plan Until Final Victory is Achieved.

Be It Resolved by the House of Representatives of the Twenty-eighth Legislative Assembly of the State of Montana, the Senate concurring:

WHEREAS, any slackening of a total and intense war effort on

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the home front delays the day of victory and increases the cost in human life and suffering of our fighting forces, and those of our allies; and

Montanans have demonstrated their resolute determination to fight through to complete victory by furnishing to the land, sea and air forces a very high proportion of the state's manpower, and also by vigilant participation in all of the war efforts, whether for increased food, increased metal production, salvage collection, civilian defense or for any other requirements; and

Montana in December, 1941, after the foul attack on Pearl Harbor, and again in December, 1942, led the nation in war bond purchases on the basis of income; and

There exists not only the world wide menace of external enemies bound to destroy us, but also the internal and vicious enemy on the home front called inflation, which enemy left Montana's economy in sore straits for many years after World War I, and if unchecked will work greater ruin in these days; and

This twenty-eighth legislative assembly clearly recognizes that the stupendous cost of war must be paid for by every citizen and that the generations now alive must carry the immediate share of these costs, as well as the sacrifices on the fighting front, and that no hardship should deter public officers and employees of our state, counties and cities from regular participation in war bond purchases through the payroll savings plan of the State of Montana.

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the twenty-eighth legislative assembly of the State of Montana, the senate concurring, that every member of the house and of the senate of this twenty-eighth legislative assembly is respectfully urged to subscribe to the state payroll savings plan; and

BE IT FURTHER RESOLVED that copies of this resolution be distributed to every state office, department, institution and station, and to every county, city, and school district throughout the State of Montana, and that all officers and employees of all thereof be, and they are respectfully urged, fully and promptly, to participate in payroll savings plans; and

BE IT FURTHER RESOLVED that copies hereof, duly authenticated, be forwarded to the president of the United States, the secretary of the treasury, and the senators and representatives from the State of Montana in the congress.

Approved February 12, 1943.

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HOUSE JOINT RESOLUTION NO. 3

A Resolution to the Congress of the United States to Initiate Proper Action and Legislation to Determine the Identity, and Forfeit the Citizenship of Those Holding a Dual Citizenship in Any Other Country and Prohibiting Such Citizenship.

WHEREAS, The war in which the United States is engaged has focused attention upon certain traitorous and disloyal elements in the citizenship of this country which have used their technical citizenship as a cloak behind which to promote and carry out these disloyal designs; and

WHEREAS, Attention has also been focused on nationals, of foreign countries, who have regarded their primary and real loyalty to the country of their origin and their American citizenship as only a necessary convenience in better securing the material and political advantages which this great nation holds forth; and

WHEREAS, These elements have been weakening factors in the unified body of loyal American citizens believing in the traditions and principles of the American democracy; and

WHEREAS, An outstanding evidence of the existence of these elements has been the acceptance of a dual citizenship status by acknowledging allegiance to the sovereignty of their native country particularly among the Japanese, German Bundists and Italian Fascists; and

WHEREAS, Foreign countries have held forth such dual citizenship status for their nationals in this country for the purpose of retaining their sovereignty and jurisdiction over said nationals and for the purpose of commanding their loyalty and obedience in peace and in war; and

WHEREAS, This war has made us aware of the necessity of scrutinizing more carefully our citizenship in order that by infiltration of disloyal elements our democratic processes are not perverted from their original purposes and used against our own interests; and

WHEREAS, The safety and protection of the American democracy requires the immediate weeding out of said disloyal elements and the forfeiture of, and exclusion from, American citizenship of those nationals of other countries practicing dual citizenship or for whom dual citizenship is held out; now, therefore,

BE IT RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF MONTANA, JOINTLY, That the congress of the

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United States be, and the same is hereby memorialized to institute proper action and legislation; (1) to determine the identity of those persons in this country of Japanese ancestry or otherwise subscribing to citizenship, or making themselves amenable to the sovereignty of any other country; (2) to forfeit the American citizenship of such persons, and (3) to prohibit any person now or heretofore holding or exercising a dual citizenship from being or ever becoming an American citizen; and be it further

RESOLVED, That copies of this resolution be forwarded by the secretary of state to the president and vice-president of the United States, to the speaker of the house of representatives and to each senator and member of the house of representatives in the congress of the United States from Montana.

Approved February 17, 1943.

HOUSE JOINT RESOLUTION NO. 4

A Joint Resolution Memorializing the Congress of the United States to Enact House Resolution 38, Authorizing the Committee on Agriculture to Make a Study and Investigation of Marketing, Transportation and Distribution of Farm Products.

WHEREAS, With the increasing demands on the farmers of the United States to meet the food requirements of our fighting men and lend-lease commitments, at the same time assuring the people of the United States of the proper amount of food stuffs, it is essential for the war effort and the well-being of our people that a study be made of the complicated problems of marketing, transportation and distribution of farm products; and

WHEREAS, Farm products should be properly graded, and distributed when and where needed, at fair prices both to the producer and the consumer, and immediate steps should be taken for a coordination of efforts and the adopting of a comprehensive and workable plan in betterment of the interest of the producing farmer and the consumer; and

WHEREAS, House Resolution No. 38 has been introduced into congress providing for the committee on agriculture to make a study and investigation of marketing, transportation and distribution of farm products, which study and investigation are imperative at this time; now therefore be it

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RESOLVED, By the house of representatives, the senate concurring, that the Montana legislature urges the congress of the United States to enact house resolution No. 38; and be it further

RESOLVED, That copies of this resolution be transmitted by the secretary of state to the president of the United States, to the president of the senate and speaker of the house of representatives of congress, and to the Montana members in the senate and house of representatives of congress.

Approved February 24, 1943.

SENATE MEMORIAL NO. 1

WHEREAS there is a genuine need for more farm machinery than has been allotted the State of Montana if the farmers are to produce the foodstuffs desired; and

WHEREAS a diminishing supply of available labor makes farm machinery even more necessary than in normal times; and

WHEREAS lack of both materials and labor is making it increasingly difficult to make repairs to machinery;

NOW, THEREFORE, BE IT RESOLVED by the senate of the State of Montana that we petition the war production board and the secretary of agriculture to reconsider both the national quotas of new farm machinery for 1943 and the present Montana state quotas, to the end that quotas may be increased and more equitably allocated and that farmers may be equipped to handle the huge task of farm production which it is well known is so vital to the successful prosecution of the war and the feeding of our armed forces, our allied soldiers, and our civilian workers; and

BE IT FURTHER RESOLVED, That copies properly attested by the president and secretary of the senate, be transmitted by the secretary of state to the war production board, Donald M. Nelson, chairman, and to Claude E. Wickard, secretary of agriculture, Washington, D. C., and to the senators and representatives in congress from Montana.

SENATE JOINT MEMORIAL NO. 1

A Memorial to the Honorable Henry L. Stimson, Secretary of War;

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War Production Board; and the Federal Works Agency; Requesting That the War Production Board Assign Priority Assistance to, and Permit the Construction of, Montana Federal Aid Project No. 247-D, Unit 2, and No. 247-F, Unit 3, at the Earliest Possible Date.

WHEREAS, the state highway commission did on the twenty-fifth day of November, 1941, award a contract for the improvement of a nineteen-mile section of highway between Jordan and Circle on state highway No. 18, also known as the central Montana highway, and

WHEREAS, the public roads administration, pursuant to instructions from the war department, did on the first day of December, 1941, stop construction on all contracts awarded after November 1, 1941, pending priority assignments, and

WHEREAS, the state highway commission did immediately thereafter apply for a sufficient priority rating to enable the contractor to proceed with the construction of said projects, and

WHEREAS, all applications for priority assistance were denied by the war production board, and

WHEREAS, the contractor refused to start the construction of said project without priority assistance, and

WHEREAS, the state highway commission did then unsuccessfully negotiate with the second and third lowest bidders to complete said project without priority assistance, and

WHEREAS, further orders of the war production board stopped the construction of all projects not certified by the war department as being of military importance, and

WHEREAS, the War Department has denied certification of said project, and

WHEREAS, the project is not on the war department's strategic net work but is considered by the state highway commission to be of vital importance in order to correct critical deficiencies on the direct east and west route from the state line to the recently constructed bomber base at Great Falls, and the satellite airfield at Lewistown, while effecting an improvement in the interest of public security and welfare;

NOW, THEREFORE, BE IT RESOLVED, that we hereby petition the above named officials that we may have their full cooperation and assistance in securing the approval and speedy completion of this project;

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BE IT FURTHER RESOLVED, that a copy of this Memorial be submitted to the officials named in the first paragraph hereof.

Approved January 29, 1943.

SENATE JOINT MEMORIAL NO. 2

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the President of the United States, the Honorable Claude R. Wickard, Secretary of Agriculture; Donald M. Nelson, War Production Board Director; Paul V. McNutt, War Man Power Director; the Office of Civilian Supply, United States Senators B. K. Wheeler and James E. Murray and Representatives James F. O'Connor and Mike Mansfield, All of Washington, D. C., Requesting Greater Allowance for Farm Machinery and Deferment of Farm Boys for Production of Food.

WHEREAS, farmers and ranchers of Montana are most anxious to contribute to the winning of the war by producing a maximum of food for our fighting forces, for our civilian population and for starving peoples over the earth, and

WHEREAS, Montana farmers and ranchers have the crop land and foundation herds of cattle and sheep to produce large quantities of badly needed food, and

WHEREAS, our government is urging farmers to not only maintain normal production of grains and feed crops, but to greatly increase the production of livestock, hogs and poultry, without taking into consideration that much additional help will be needed to carry on such a program, and

WHEREAS, the large acreage farming practiced in this state requires the best of farm machinery in sufficient quantities, the securing of which has been difficult and of late impossible to obtain, and

WHEREAS, draft, enlistment and war production work has drained practically every able bodied, experienced farm boy for military service or war work, even where the fathers are growing in years and infirmity, and

WHEREAS, experience has proven that floating, unreliable and inexperienced labor is both inadequate and ruinous to costly and irreplaceable farm machinery, and

WHEREAS, farmers have contributed proportionately more of

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their older equipment, as scrap iron, to the war effort than any other class of citizens,

NOW, THEREFORE, BE IT RESOLVED, by the twenty-eighth legislative session of the State of Montana, senate and house of representatives concurring, that we respectfully urge that a far greater proportion of necessary material be immediately allotted for the manufacture of badly needed farm machinery and repairs, in order that at least normal production of food may be produced for the duration, and

BE IT FURTHER RESOLVED, that we urge that the war department be requested to defer experienced farm boys that they may assist in planting and harvesting crops, and

BE IT FURTHER RESOLVED, that copies of this Memorial be submitted to the officials named in the first paragraph hereof.

Approved February 3, 1943.

SENATE JOINT MEMORIAL NO. 3

A Memorial to the President of the United States, to the Director of Economic Stabilization, to the War Production Board, and to the War Labor Board Requesting a Review of the Conditions and an Increase in the Price of Copper in the State of Montana.

WHEREAS, the war production board, the war labor board, and the director of economic stabilization have found it necessary to take jurisdiction and control over the production and price of all strategic metals, during the emergency; and

WHEREAS, practically all of the copper produced in Montana has a fixed price of twelve cents (12c) per pound as compared to a price of seventeen cents (17c) per pound in many other areas and this price is strongly contended to be not conducive to a fair and equitable profit for labor under war conditions; and

WHEREAS, the bulk of the copper ore in Montana is very high in war material content, but at the same time low in the percent of copper in the ore;

FURTHERMORE, the copper mines in Montana, particularly in the Butte district, are of great depth, and necessitate very extensive equipment for hoisting of ore, pumping water and ventilation, with a marked increase in labor and power costs of operation; and

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WHEREAS, the State of Montana is at the top of the list in furnishing manpower to the armed forces and the citizens of the state in general are in the forerank in the purchase of war bonds and stamps. Management and labor are striving earnestly and hard to produce the strategic metals for our fighting men at the fronts;

NOW, THEREFORE, BE IT RESOLVED, that the twenty-eighth legislative assembly of the State of Montana, the senate and house of representatives concurring, hereby respectfully petition the president of the United States, the war production board, the war labor board and the director of economic stabilization, to review and reconsider the conditions respecting wages, working conditions and costs of production of copper in Montana, particularly in the Butte district, to the effect that a speedy and just arrangement in the price of copper be made immediately;

BE IT FURTHER RESOLVED, that this Memorial be entered on the journals of both houses, and that a copy be transmitted to the Honorable Franklin D. Roosevelt, president of the United States; the Honorable James F. Byrnes, director of economic stabilization; the war production board; the war labor board; the Honorable Frances Perkins, secretary of labor; the Honorable Burton K. Wheeler and the Honorable James E. Murray, United States senators from Montana; and to the Honorable James F. O'Connor and the Honorable Mike Mansfield, congressmen from Montana.

Approved January 29, 1943.

SENATE JOINT MEMORIAL NO. 4

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable Henry L. Stimson, Secretary of War, and the War Production Board.

WHEREAS, U. S. Highway No. 2 is an important interstate highway and a part of the war department's strategic network; and

WHEREAS, a section of said U. S. highway No. 2 lies west of Troy, Montana, and within the Kootenai forest and is unimproved and critically deficient; and

WHEREAS, traffic now crosses the Kootenai river on a bridge that, according to records of the state highway department, is dangerously overstressed by normal traffic and further overstressed by the heavy transport trucks hauling essential war materials to the west coast; and

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WHEREAS, the public roads administration, recognizing the dangerous condition of said bridge, did in April, 1941, award a contract for the construction of a replacement bridge; and

WHEREAS, said replacement bridge was completed during April, 1942; and

WHEREAS, it was contemplated that a later contract would be let for the construction of the necessary approaches and connecting road to make the bridge usable upon its completion; and

WHEREAS, present governmental restrictions of the war department and the war production board prohibit the construction of the said necessary approaches and connecting road at the present time; and

WHEREAS, heavily loaded transport trucks are compelled to make daily use of the old structure at a risk to life and property, to say nothing of the serious interruption of the movement of essential interstate traffic that would result in the event of failure of the structure now being used; and

WHEREAS, the construction of the necessary approaches and connecting road would require practically no critical materials, and the necessary equipment and manpower could be made available without in any way interfering with other activities deemed necessary and appropriate in the public interest and in furtherance of the national defense;

NOW, THEREFORE, BE IT RESOLVED, that we hereby petition and request the above-named Henry L. Stimson, secretary of war, and the war production board that they use their influence in securing the approval for speedy completion of this project in the furtherance of national defense.

BE IT FURTHER RESOLVED, that a copy of this memorial be submitted to the officials named in the first paragraph hereof.

Approved February 3, 1943.

SENATE JOINT MEMORIAL NO. 5

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Honorable Claude R. Wickard, Secretary of Agriculture, Washington, D. C., Designating the Growing of Mustard As An Essential War Crop.

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WHEREAS, there is a serious shortage of oils and fats necessary for our war efforts, and

WHEREAS, the department of agriculture is endeavoring to increase the production of suitable oils and fats;

THEREFORE, BE IT RESOLVED, that the senate of the State of Montana, with the house of representatives concurring, strongly urge that commercial mustard be designated as an essential war crop and proper credit be given growers of said crop as complying with the demands of the department of agriculture, in producing crops necessary for the prosecution of our war effort. It is urged that the attached data to this memorial be given your immediate, serious and favorable attention.

BE IT FURTHER RESOLVED, that the secretary of the senate be instructed to send copies of this memorial to the Honorable Claude R. Wickard, secretary of agriculture, Senator B. K. Wheeler, Senator James E. Murray, Honorable James F. O'Connor, and the Honorable Mike Mansfield, all of Washington, D. C.

Approved February 3, 1943.

SENATE JOINT MEMORIAL NO. 6

A Memorial Memorializing Donald M. Nelson, Chairman of the War Production Board; Maury Maverick, Director, Governmental Division, War Production Board; Senator B. K. Wheeler; Senator James E. Murray; Representative James F. O'Connor; Representative Mike Mansfield; and Oscar A. Baarson, Priorities District Manager.

WHEREAS, it is essential to the successful prosecution of the war that maximum quantities of food and fiber be produced, and

WHEREAS, losses in sheep, lambs, poultry caused by predatory animals is seriously handicapping Montana's war effort, and

WHEREAS, restrictions on the use of rubber and gasoline have further curtailed the normal activity of sportsmen and hunters, and

WHEREAS, the war production program has limited the manufacture and distribution of ammunition for sporting rifles for other than military purposes, and

WHEREAS, much needed ammunition is totally unavailable to the stockmen of Montana, and

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WHEREAS, the predatory animal population of this state is increasing by leaps and bounds and losses now reported by stockmen are the highest in twenty years and rapidly threatening to assume even larger proportions,

NOW, THEREFORE, BE IT RESOLVED, that we petition Donald M. Nelson, chairman of the war production board; Maury Maverick, director, governmental division, war production board; Senator B. K. Wheeler; Senator James E. Murray; Representative James F. O'Connor; Representative Mike Mansfield; and Oscar A. Baarson, priorities district manager, that every effort be made to make immediately available a reasonable quantity of ammunition of the more popular and commonly used calibers, and

BE IT FURTHER RESOLVED, that the distribution of same be simplified and expedited through the regular channels of trade by allocating reasonable stocks of ammunition to jobbers located in various convenient sections of Montana.

Approved February 5, 1943.

SENATE JOINT MEMORIAL NO. 7

A Joint Memorial of the Senate and of the House of Representatives of the State of Montana, to the President of the United States; the Secretary of War; the Secretary of the Navy; Donald M. Nelson of the War Production Board; the United States Senators, B. K. Wheeler and James E. Murray; and Representatives, James F. O'Connor and Mike Mansfield, All of Washington, D. C., Requesting That the So-called "Cost Plus Plan" of Letting Governmental Contracts Be Discontinued.

We, the members of the twenty-eighth legislative assembly of the State of Montana, the senate and house of representatives concurring, respectfully represent,

WHEREAS, there being much dissatisfaction with the practices of the army and navy departments of entering into the so-called "cost plus plan" contracts in the construction and operation of many defense plants and military centers;

WHEREAS, in certain contracts there are rumors of waste of building materials in order that certain contractors will increase the cost of the project for his own materiel gain;

WHEREAS, there are rumors that at times far more men are em-

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ployed than can possibly be used with equipment available, and at times are even encouraged to draw over-time when unnecessary, in order, that the cost of the contract be increased;

WHEREAS, in this crisis when every able-bodied man and woman is badly needed for the war effort, the encouragement of such tactics is both wasteful and unpatriotic;

WHEREAS, when all materials used in defense work are badly needed the waste of this material should not be tolerated;

NOW, THEREFORE, BE IT RESOLVED by the senate of the State of Montana, and the house of representatives concurring, that therefore, in the interest of this Memorial, the various governmental agencies heretofore mentioned, investigate this practice, and further, that the "cost plus plan" system of contracts be eliminated whenever possible; and

BE IT FURTHER RESOLVED, that copies of this Memorial be transmitted by the secretary of state to the hereinabove addressed officials.

Approved February 24, 1943.

SENATE JOINT MEMORIAL NO. 8

A Memorial to the President and the Congress of the United States Relative to the Establishment at Great Falls or Some Other Site in Montana of a Suitable Plant or Other Facilities for the Recovery and Production of Sponge Iron and Other Strategic Minerals From the Proven Iron Ore Deposits in Cascade, Judith Basin, Fergus and Meagher Counties, Montana.

To the President of the United States and to the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, we are engaged in a war of survival, the duration of which effort is at the present time uncertain;

WHEREAS, public recognition has been given to the fact that the success of that effort is at present, jeopardized by the lack of sufficient iron and steel scrap to operate our steel mills at capacity;

WHEREAS, enormous deposits of high grade low phosphorous content iron ore do now, and for more than fifty years have been known to exist in Fergus, Judith Basin, Meagher, and Cascade coun-

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ties, Montana, suitable under modern metallurgical methods for the economic production of high grade sponge iron; and

WHEREAS, sponge iron is a suitable and natural substitute for scrap; and

WHEREAS, natural gas and coal deposits in unlimited quantities are known to exist and are now being produced in areas immediately adjacent to said iron ore deposits in ample quantities and with ample reserves to justify the erection of a necessary mill or mills for the production of not only sponge iron, but pig iron and steel if deemed advisable; and

WHEREAS, the people of and industries in Washington, Oregon, Idaho, Wyoming, Montana, South Dakota, North Dakota, Saskatchewan, Alberta, British Columbia, and Alaska, have suffered industrial retardation directly affecting their standard of living from a lack of iron and steel products by virtue of exorbitant freight rates and the concentration of the iron and steel industry of the nation in the area tributory to the Great Lakes; and

WHEREAS, development contemplated hereby would provide homes, employment, and a better standard of living for hundreds of thousands of our citizens now serving and to serve in the armed forces of the United States upon their resumption of civil life; and

WHEREAS, the feasibility of such a plant has heretofore been recognized by the following authorities among others: N. H. Weed of U. S. Geological Survey; "Fort Benton Folio" (No. 55) in 1899; "Little Belt Mountain Folio" (No. 56) in 1899; U. S. Geological Bulletin by L. G. Westgate in 1920, entitled "Iron Ore Deposits Near Stanford, Montana"; report by Dwight R. Woodbridge, (M. E.) 1916, entitled "Iron Lands in Little Belt Mountains", and numerous other publications by geologists and mining engineers of national repute;

NOW, THEREFORE, BE IT RESOLVED, by the senate, the house of representatives concurring, that an iron and steel plant or other suitable facilities be erected at Great Falls, or some other convenient point in Montana for the production of sponge iron and such other iron and steel production as the war effort and economy of the country may require for the development of the iron ore bodies known to exist in Fergus, Judith Basin, Meagher, and Cascade Counties, Montana;

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded by the secretary of state to the president of the United States, to the vice-president of the United States, to the speaker of

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the house of representatives of the United States, to the senators and representatives in congress from this state, and to any other federal boards, bureaus, commissions, or agencies executing or exercising duties and functions consonant with the tenor of this Memorial.

Approved February 12, 1943.

SENATE JOINT MEMORIAL NO. 9

A Memorial to the Honorable Henry L. Stimson, Secretary of War; War Production Board; the Public Roads Administration; Requesting the Completion of Hard-Surfacing of Highway Number Six Under Montana Federal Aid Projects Number 328I, 328E, 328H, at the Earliest Date the War Effort Will Permit.

WHEREAS, the state highway department did on the twenty-fifth day of November, 1941, award a contract for the improvement of thirteen (13) miles of highway from Melstone east on state highway number six, numbered FAP 328I; and

WHEREAS, although culverts and bridges were completed, work on the highway has ceased on account of war conditions; and

WHEREAS, construction of section 328I, together with sections 328E, twelve (12) miles, in the Sumatra area, and 328H, twelve (12) miles, in the Ingomar area, would complete hard-surfacing of highway number six; and

WHEREAS, said highway number six has long been an integrated part of the seven percent (7%) system of highways in Montana; and

WHEREAS, highway number six is very vital to the production and delivery of sheep and wool and other livestock; and

WHEREAS, highway number six, between Townsend and Forsyth, two hundred seventy-three (273) miles in length, is recognized as providing a minimum of curves and the shortest east-west route through Montana,

NOW, THEREFORE, BE IT RESOLVED, that we hereby petition the above named official and agencies to cooperate with the Montana highway department in the completion of this highway, as soon as the war effort will permit.

BE IT FURTHER RESOLVED, that a copy of this Memorial

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be submitted to the official and agencies named herein, and to the Montana highway department.

Approved February 24, 1943.

SENATE JOINT MEMORIAL NO. 10

A Memorial to the President of the United States and the Secretary of the United States Department of Agriculture, Relative to the Disassociation of the Several Divisions of the United States Bureau of Animal Industry.

To the President of the United States and to the Honorable Secretary of the United States Department of Agriculture:

WHEREAS, it has been brought to the attention of the twenty-eighth legislative assembly of the State of Montana that the secretary of the United States Department of Agriculture has ordered a reorganization of the several divisions of the United States bureau of animal industry; and we are informed that the meat inspection division has been placed under a separate administrative unit and that other separations are contemplated; and

WHEREAS, the United States bureau of animal industry has functioned as a separate unit for many years under the able supervision of Dr. John R. Mohler, the present chief of the bureau, and has performed its duties and responsibilities to the livestock industry in preventing, controlling, and eradicating diseases of livestock in a most efficient manner, which has included the eradication of foot-and-mouth disease and other foreign plagues of livestock; and

WHEREAS, having all the divisions of the United States bureau of animal industry grouped under one administrative head especially trained in the prevention of diseases of livestock has aided in the prompt detection and eradication of many diseases that would not have been possible had these functions been operating under several units; and

WHEREAS, the loss of the meat inspection division with its large number of trained veterinarians will seriously impair the efficiency of the bureau in promptly assembling a sufficient number of trained veterinarians to adequately cope with a threatened invasion of foot-and-mouth disease or other foreign plagues as in the past; and

WHEREAS, diseases of livestock are known to be more prevalent

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under war conditions due to the movement of troops and disorganization of veterinary service; and

WHEREAS, the period of rehabilitation following the present war will bring many new and serious problems in the control of livestock diseases, due to the return of troops and the shipment of disease-carrying media from foreign countries where dangerous diseases of livestock are prevalent, but which do not now exist, in the United States; and

WHEREAS, the twenty-eighth legislative assembly of the State of Montana is firmly of the belief that the increased production of beef called for under present conditions, and the prevention and control of dangerous diseases of livestock can be greatly aided and attained by having the control of livestock diseases, the inspection of slaughter animals, and the production of biologics used in the control of livestock diseases under an administrator who has been properly trained by years of experience in all these activities;

NOW, THEREFORE, BE IT RESOLVED, by the senate and the house of representatives concurring, that we do deplore the hasty and ill-advised action that has led to the separation of the meat inspection division from the United States bureau of animal industry and do earnestly request the Honorable Claude R. Wickard, secretary of the United States department of agriculture, to reconsider such action and request that all divisions of the United States bureau of animal industry remain under the direct administration of a man especially trained in the prevention of diseases of livestock; and

BE IT FURTHER RESOLVED, that copies of this Memorial be forwarded by the secretary of state to the president of the United States and to the honorable secretary, United States department of agriculture, and to the senators and representatives in congress from the State of Montana.

Approved February 26, 1943.

SENATE JOINT MEMORIAL NO. 12

A Senate Joint Memorial Addressed to Each Member of the Montana Delegation in the Congress of the United States, and to the Secretary of Agriculture, Relating to the Scarcity of Fibers for Cordage and Burlap for Sacks and Wrappings, and Other Uses, Commercial and Agricultural, and to the Shortage of Food for Human and Livestock Consumption, and to the Serious Deficiencies in the Do-

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mestic Supply of Roots and Herbs for Drugs for the General Welfare, and Urging the Immediate Institution of Extensive Research for the Development of New Crops for All Such Needed Commodities, Foods and Drugs.

WHEREAS, industry, agriculture and the general population of the United States are now faced with a scarcity of fibers and cordage and burlap for sacks and wrappings, and other uses, commercial and agricultural, to the point where the vital and essential needs of the military establishment and all indispensable industries and activities are faced with great difficulty; and

IN ADDITION, it is now plainly demonstrated that the people of the United States are facing an immediate shortage of many kinds of food for human consumption, and many kinds of feed for consumption by livestock, whether destined for market or to remain on farms and ranches, and also of most varieties of oil for food and industry; and

WHEREAS, the United States has for many years depended on foreign sources of supply for the medicinal plants, roots and herbs required for the manufacture of extracts, drugs and commodities indispensable for the general welfare of the American people and likewise indispensable for the operations of the armed forces, many of which are now sorely needed, and the demand for which is accelerating daily; and

These deficiencies must be promptly met and overcome if success is to attend our arms, and if we are to remain hereafter self-sufficient as far as our climate and soils will permit:

NOW, THEREFORE, BE IT RESOLVED by the senate of the twenty-eighth legislative assembly of the State of Montana, the house of representatives concurring, that the department of agriculture, through Honorable Claude Wickard, secretary thereof, should begin at once and should carry on intensively and continuously, the most extensive and far-reaching research into the development of new crops for food for man and beast, of fibers for cordage and burlap, and of medicinal plants, roots and herbs for drugs and medicine, to the end of becoming a self-sufficient nation in the production of all thereof for industry and for the general welfare of our people, and to the further end of stimulating the development of agriculture and of providing employment for the service men who will return to us at the end of hostilities and thereafter, and that such program should be established on a comprehensive and permanent basis and carried forward by scientists and workers and practical farmers and citizens inspired with the possibilities of development in all of these matters,

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and that the whole program should be properly classed and treated as a national rehabilitation measure of the first importance; and

BE IT FURTHER RESOLVED that copies of this Memorial be forwarded by the secretary of state of the State of Montana, to the Honorable Burton K. Wheeler and James E. Murray, senators from the State of Montana, to the Honorable Mike Mansfield, congressman from the first congressional district and to the Honorable James F. O'Connor, congressman from the second congressional district, and to the Honorable Claude Wickard, secretary of agriculture of the United States of America, with the urgent request that each use every effort to accomplish the object and purposes herein set forth, and to persist, unremittingly, in a work which holds the secure promise of unlimited advantages not now capable of being foreseen, as well as immediate advantages, the accomplishment of which is indispensable to the general welfare of our country.

Approved March 3, 1943.

SENATE JOINT MEMORIAL NO. 13

A Memorial to the President of the United States; the Director of the Bureau of Roads; the Director of the Bureau of Mines; Secretary of the Interior; and to the Honorable Senate and House of Representatives of the United States in Congress Assembled.

WHEREAS, extensive deposits of chrome ore suitable for reduction or milling are known to exist on the Boulder plateau in Sweetgrass county, Montana; and

WHEREAS, these deposits have been investigated in a cursory fashion by representatives of the United States bureau of mines and geological survey, but have never as yet been developed, core drilled or completely explored for the reason that the same are inaccessible by any present route or road other than a pack or forest trail; and

WHEREAS, sufficient ore bodies exist at said point and in nearby areas now being developed and mined to justify the expectation that a permanent peace time chrome industry can be established in Montana which will secure in perpetuity a vital and strategic metal for war purposes, as well as ample chrome ore for peace time economy and use; and

WHEREAS, it is not feasible for private capital or interests to

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expend or invest the necessary funds needed to construct a road suitable for ore hauling by virtue of the mountainous nature of the terrain and expense of construction; and

WHEREAS, the United States department of agriculture, through the forest service, caused an excellent reconnaissance sketch map to be prepared by one R. J. Nelson, its district agent, on September 4, 1942, which satisfactorily demonstrates that a feasible, suitable road with satisfactory alternate routes can be constructed to make accessible the entire ore producing area at an estimated cost of not to exceed seventy-five thousand dollars ($75,000.00); and

WHEREAS, it is further obvious from a study of said map that in any event at a cost not to exceed twenty-five thousand dollars ($25,000.00) a suitable road can be built from the Boulder river in an easterly and northerly direction to the head of Bobcat basin, which would permit the mining and development of said chrome bearing areas on a commercial basis from the southeasterly approach thereto;

NOW, THEREFORE, BE IT RESOLVED, by the twenty-eighth legislative assembly of the State of Montana, the senate and house concurring, that all honorable means and efforts be used by the senators and congressmen from Montana to contact the necessary persons, directors, boards, bureaus, and commissions having to do with access roads to mineral areas, funds for which have heretofore wisely been provided by the congress of the United States, to the end, purpose and effect that a road or some suitable alternate route be constructed during the year 1943 at the earliest date that weather will permit from the Boulder river and over the Boulder plateau substantially as designed, indicated and proposed by said R. J. Nelson hereinbefore mentioned; and

BE IT FURTHER RESOLVED, that in all events, should the proposal immediately hereinbefore be deemed impractical or inexpedient, that the senators and congressmen from this state insist that a road be built from the Boulder river to the head of Bobcat basin in sections thirty-one (31) and thirty-two (32), five (5) and six (6) in township four south (4S), range thirteen East (13E) in Sweetgrass county, Montana, and that said route follow as nearly as may be the proposed sketch map prepared on or about September 4, 1942, by the said R. J. Nelson; and

BE IT FURTHER RESOLVED, that copies of this joint memorial be transmitted by the secretary of state of the State of Montana; to the president of the United States; the Honorable Harold Ickes, secretary of the interior; to the director of public roads; the director

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of the bureau of mines; to the Honorable James E. Murray; the Honorable Burton K. Wheeler; the Honorable James F. O'Connor, and the Honorable Mike Mansfield.

Approved March 3, 1943.

SENATE JOINT MEMORIAL NO. 14

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States, United States Senators B. K. Wheeler, James E. Murray and Charles L. McNary, Representatives James F. O'Connor and Mike Mansfield, All of Washington, D. C., Requesting the Enactment of Legislation Directing the Annual Payment of Grants by the Secretary of the Treasury of the United States to the State of Montana for the Use and Benefit of the Several Counties of Montana in Lieu of Taxes on Lands Owned by the United States Government In the State of Montana.

WHEREAS, in Montana there is between thirty-eight and fifty percent of our landed area which is held by the government in proprietory or trustee capacity for Indian reservations, forest reserves, wild-life refuge, grazing lands, military reservations, and other governmental purposes and objects, none of which lands contribute very much in the form of taxation to the school districts, counties and state government, which furnish services to such lands and their occupants; and

WHEREAS, such areas are increasing, and the taxation burdens upon sparsely settled communities of our state are becoming more serious; and

WHEREAS, these areas should bear some part of the tax burden comparable to that imposed on lands of our own taxpayers; and

WHEREAS, there was introduced by Senator Charles L. McNary in the seventy-seventh congress of the United States an act known as senate bill No. 1201, under which the government of the United States would pay to the states for the benefit of counties wherein government held lands are located, grants in lieu of taxes upon these lands;

NOW, THEREFORE, BE IT RESOLVED by the twenty-eighth legislative session of the State of Montana, senate and house of representatives concurring, that we respectfully urge the re-introduction of senate bill No. 1201 of the seventy-seventh congress and

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do respectfully request of the congress of the United States, the enactment of this legislation and further legislation to include military reservations acquired, owned and held by the government of the United States and the approval thereof by the president of the United States; and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of state to the senate and house of representatives of the United States congress and to the senators and representatives named in the first paragraph hereof.

Approved March 3, 1943.

SENATE JOINT MEMORIAL NO. 15

A Joint Memorial of the Senate and House of Representatives, of the State of Montana, to the Honorable James F. Byrnes, Economic Stabilization Director; Prentiss M. Brown, National Director of Office of Price Administration; Claude R. Wickard, Secretary of Agriculture; Roy F. Hendrickson, Food Distribution Administrator; Senators B. K. Wheeler and James E. Murray and Congressmen James F. O'Connor and Mike Mansfield, All of Washington, D. C., Requesting That Rationing Authorities Provide Sufficient Food Supplies Essential to Maintain Ranch, Mining and Logging Production.

WHEREAS, the production of meat and fiber is essential to the war effort; and

WHEREAS, many Montana mine and logging operators, ranchers and farmers live great distances from the sources of their food supplies; and

WHEREAS, these essential industries are entirely dependent on canned goods for their supply of fruits and vegetables; and

WHEREAS, the extreme lack of transportation, storage and refrigeration facilities makes the use of fresh vegetables and fruits impossible; and

WHEREAS, a lack of these necessary products would force many producers out of business; and

WHEREAS, it has been publicly announced that forty and three-tenths (40.3) pounds of these products is to be established as the annual per capita allowance for the nation; and

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WHEREAS, Montana's actual consumption is reliably estimated to be at least four hundred per cent (400%) more than this allowance,

NOW, THEREFORE, BE IT RESOLVED, by the twenty-eighth legislative session of the State of Montana, senate and house of representatives concurring, that the point rationing system be based on the per capita consumption in each state for the previous year, and that the state office of price administration through its local rationing boards be granted the necessary authority to provide sufficient food supplies essential to maintain mining, logging and ranch production; and

BE IT FURTHER RESOLVED, that the following be memorialized: the Honorable James F. Byrnes, economic stabilization director; Prentiss M. Brown, national director of office of price administration; Claude R. Wickard, secretary of agriculture; Roy F. Hendrickson, food distribution administrator; Senators B. K. Wheeler and James E. Murray and Congressmen James F. O'Connor and Mike Mansfield, to take into consideration conditions peculiar to all mining, lumbering and range states in the point rationing program.

Approved March 5, 1943.

SENATE JOINT MEMORIAL NO. 16

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Honorable Henry L. Stimson, Secretary of war; the Honorable Director of Public Roads Administration; the Honorable B. K. Wheeler and Honorable James E. Murray, United States Senators from Montana; and to the Honorable James F. O'Connor and the Honorable Mike Mansfield, Congressmen from Montana; Requesting That Appropriate Action Be Immediately Taken for Declaring the Highway Leading South from Edmonton, Alberta, to Great Falls, Montana, and the Connections Thereto as the Alaskan Highway.

WHEREAS, The war department is supervising the construction of a highway extending from Edmonton, Alberta, to Nome, Alaska, commonly known as the "Alaskan Highway", to be used temporarily for the movement of war supplies, but eventually will be in general use, and

WHEREAS, An attempt is being made to have the recognized

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Alaskan highway run southeasterly from Edmonton, Alberta, through North Dakota to middle-western points, and

WHEREAS, The best information available is to the effect that many miles of this road has been constructed through a muskeg formation which will prevent satisfactory surfacing of the said highway, and

WHEREAS, An all-season completed highway now extends south from Edmonton through Great Falls to both Wyoming and Idaho points, and is directly in line with the great munition centers of the western and southwestern portions of the United States, and

WHEREAS, The said highway and its connections are already completed and in use by the government for transportation of heavy war equipment.

NOW, THEREFORE, BE IT RESOLVED, That the twenty-eighth legislative assembly of the State of Montana, the senate and house concurring, hereby urges that the war department recognize this highway as the official Alaskan highway, and assist in the maintenance thereof;

BE IT FURTHER RESOLVED, That the secretary of state of Montana be instructed to send copies of this joint memorial to the Honorable Henry L. Stimson; to the director of the public roads administration; to the Honorable B. K. Wheeler, the Honorable James E. Murray, United States senators from Montana; and the Honorable James F. O'Connor and the Honorable Mike Mansfield, congressmen from Montana.

Approved March 3, 1943.

SENATE JOINT MEMORIAL NO. 17

A Joint Memorial to the Congress of the United States, to the President of the United States, to the Montana Congressional Delegation, to the Secretary of Agriculture, and to the AAA Administration for the State of Montana, Requesting Legislation and Administrative Regulation Fixing the Allotment of Acreage for Sugar Beets on the Basis of 1942, and Years Previous, as a Minimum, Removing Any and All Penalties for Seeding or Planting Less Than Ninety Per Cent of the War Crops.

To the Honorable, The Congress of the United States, To the President of the United States, To the Montana Congressional Delega-

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tion, To the Secretary of Agriculture of the United States, and to the AAA Administration for the State of Montana:

WHEREAS, the growers of sugar beets in the State of Montana are now seriously restricted and curtailed in the area, extent and spread of acreage which they may seed and plant to sugar beets due to (1) the absence from Montana farms of Montana's sons in the military service throughout the globe, (2) existing and increasing farm labor shortage, (3) grave shortages in the supply of new machinery and tools for planting, culture and harvesting of beets and, (4) the absence of repair parts and service for such machinery and equipment, all with the inevitable result that Montana's sugar beet acreage will shrink and contract very materially under war conditions; and

Sugar beet growers are advised that controls applicable to sugar beet acreage in the post-war period will be established on the basis of war acreage which in Montana means acreage far under the acreage in sugar beets for 1942 and years previous; and

Such action will operate to the distinct advantage of sugar beet areas in other states with a more favorable source of labor and to the great prejudice and disadvantage of Montana's beet growers without their fault and continue to depress their efforts, the utility of their farms, and severely limit the production hereafter of sugar beets; and

WHEREAS, extraordinary efforts are now being made to sign up farmers to the so-called "1943 farm plan" whereby farmers are given a definite acreage allotment for general crops and estimate their acreage for the war crops of flax, beans and potatoes; and

WHEREAS, the underseeding of the war crops to the extent of over ten percent (10%) results in an unreasonable penalty of fifteen dollars ($15.00) per acre for each acre underseeded; and

It is now plainly evident that due to (a) the existing and increasing farm labor shortages aforesaid, (b) rationing now sharply restricting the production of new agricultural and farm machinery and tools, and the repair and rehabilitation thereof, and despite every effort the Montana farmer can make in the utmost good faith to produce such war crops, for such is his greatest desire, the factors aforesaid are now operating and will continue to operate, to defeat his best efforts and contract the acreage he can plant in war crops; and the use and infliction of a penalty or penalty device is a gratuitous and undeserved reflection on the American farmer,

NOW, THEREFORE, BE IT RESOLVED, by the senate of the twenty-eighth legislative assembly of the State of Montana, the

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house of representatives concurring, that the congress of the United States, the president of the United States, the Montana congressional delegation, the secretary of agriculture, and the AAA administration for the State of Montana, each active within their respective fields, be urgently requested, by appropriate legislation and by proper regulatory action based thereon, or by either action as may be proper, and as soon as possible:

I. To fix and prescribe, as the basis of any sugar beet acreage controls which may be currently, or hereafter, promulgated, not less than the actual acreage actually seeded and cultivated by each individual farmer, natural, firm, or corporate, in the year 1942, and for the years previous thereto; also to secure to the State of Montana and each sugar beet district therein not only the full acreage so seeded and cultivated in 1942, and the years previous, but such further and additional acreage rights as will permit of the maximum expansion and development of sugar beet production in the state.

II. Forthwith to annul, or alleviate, the penalty applicable to the war crop acreage of flax, beans and potatoes, and rely upon the deep moral resolve of the American and Montana farmers to win the war by the maximum production of such food crops, as well as by every other effort.

BE IT FURTHER RESOLVED that copies of this memorial be transmitted by the secretary of state, of the State of Montana to the hereinbefore named officials.

Approved March 5, 1943.

SENATE JOINT MEMORIAL NO. 18

A Joint Memorial of the Senate of the State of Montana to the President and Congress of the United States, Requesting a Further Extension of Time to Negotiate and Approve An Interstate Compact under An Act Granting the Consent of Congress to the States of Montana, North Dakota and Wyoming to Negotiate or Enter Into a Compact, or Agreement, for the Division of the Waters of the Yellowstone River.

WHEREAS, the congress of the United States has enacted an act, approved June 15, 1940, (Public — No. 632 — seventy-sixth congress, chapter 372 — third session, S. 1759) which act is in words as follows, to wit:

"An Act Granting the Consent of Congress to the States of Mon-

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tana, North Dakota, and Wyoming to Negotiate and Enter Into a Compact or Agreement for Division of the Waters of the Yellowstone River.

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:

That the act of congress, approved August 2, 1937 (50 Stat. 551), granting the consent of congress to the States of Montana and Wyoming to negotiate and enter into a compact, or agreement, for division of the waters of the Yellowstone river, be and it is hereby amended to provide that the consent of congress is given to the State of North Dakota to negotiate and to enter into the compact, or agreement, therein authorized, providing for an equitable division and an apportionment between the states of the water supply of the Yellowstone river and of the streams tributary thereto, upon condition that the representative appointed by the president of the United States, under the act of August 2, 1937, to participate in said negotiations as the representative of the United States and to report to congress of proceedings and of any compact or agreement entered into, shall continue to represent the United States and to report under this act; provided, that such act of August 2, 1937, is amended by striking out 'June 1, 1939' and inserting in lieu thereof 'June 1, 1943'; and provided, that such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislatures of each of the said states and by the congress of the United States; and provided, further, that nothing in this act shall apply to any waters within or tributary to the Yellowstone national park or shall establish any right or interest in or to any lands within the boundaries thereof." And

WHEREAS, acting under the provisions of said act, representatives of the States of Montana, North Dakota, Wyoming and the United States, have proceeded in an endeavor to complete said compact and secure the approval of the legislatures of the states interested in same, and have made substantial progress in the negotiation of said compact, and

WHEREAS, the said states were not able to agree upon all terms of said compact and secure the approval thereof by the legislatures of all the states, and

WHEREAS, it appears that if the authority contained in said act of congress were extended for a period of two (2) additional years, a compact between said states might be agreed upon and approved by the legislature of each of said states.

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NOW, THEREFORE, BE IT RESOLVED, that the senate of the State of Montana does hereby respectfully petition and request that the congress of the United States amend the foregoing act to permit and authorize the continuance of the authority contained in said act until June 1, 1945, to negotiate and approve such interstate compact by such legislation as may be deemed necessary and appropriate, by the congress of the United States and

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted, by the secretary of the State of Montana, to the president of the United States, the senate and house of representatives of the congress of the United States and to United States Senators Burton K. Wheeler and James E. Murray and Congressmen James F. O'Connor and Mike Mansfield.

Approved March 5, 1943.

SENATE JOINT MEMORIAL NO. 19

A Memorial to the President of the United States, to the Director of Economic Stabilization, to the War Production Board, and to the Montana Representatives in Congress, Requesting That Steps Be Taken to Increase the Price of Strategic Metals.

We, the members of the twenty-eighth legislative assembly of the State of Montana, the senate and house of representatives concurring, respectfully represent:

WHEREAS, the urgent need for copper, manganese, chrome, zinc, lead, and other so-called strategic metals is a condition calling for no explanation; and

WHEREAS, everything possible must be done, as a war measure, to meet this need; and

WHEREAS, the chief impediment to maximum production is found in the ceiling prices currently effective for these metals, and these prices, which may have been just and adequate when set, are not so today, inasmuch as everything entering into the cost of mining has increased, and mine operators find themselves with depleted budgets and inadequate loans unable to realize full production; and

WHEREAS, as a matter of simple justice the mining industry

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should be enabled to operate on a fair and equitable basis of security and profit equal to that enjoyed by other war industries:

NOW, THEREFORE, BE IT RESOLVED, that the twenty-eighth legislative assembly of the State of Montana, the senate and house of representatives concurring, hereby respectfully prays that steps be taken, by the chief executive, or by the appropriate federal agency, and if necessary by the congress, through the medium of legislation, to insure a substantial increase in the price of strategic metals, and particularly copper, manganese, chrome, zinc, and lead.

BE IT FURTHER RESOLVED, that this memorial be entered in the journals of both houses, and that a copy be transmitted by the secretary of state to the Honorable Franklin D. Roosevelt, president of the United States; the Honorable James F. Byrnes, director of economic stabilization; the Honorable Donald M. Nelson, chairman of the war production board, the Honorable Burton K. Wheeler, the Honorable James E. Murray, the Honorable James F. O'Connor and the Honorable Mike Mansfield, representatives from Montana in the congress of the United States.

Approved March 5, 1943.

SENATE JOINT RESOLUTION NO. 1

A Joint Resolution Recognizing the Victories of Montana's 163rd Infantry Regiment, U. S. A., Expressing the Gratitude of the People of Montana to the Regiment and Providing for a Cable Message From the Legislature to the Regiment in the Combat Zone of the South Pacific Theater of War.

WHEREAS, the official military reports emanating from General Douglas MacArthur's headquarters in the South Pacific, as released by the war department, and the news dispatches cabled by observers, make manifest that the 163rd Infantry Regiment—Montana's Own—has won imperishable fame in the jungles and on the heights of New Guinea in most arduous combat against an implacable foe; and has from the very outbreak of hostilities demonstrated the finest attributes of the American soldier, in devotion to training, in fraternization and cooperation with the free peoples of the great Pacific world to the south, and in the deep resolve to establish the rule of law among the nations of the earth; and

The sixth legislative assembly of the State of Montana, by Senate Joint Resolution No. 3, approved February 22, 1899, recognized the same valiant manhood displayed by the military predecessors of the present regiment, the First Montana Volunteer Infantry, which at

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that time had distinguished itself near the city of Manila in the Philippine Islands, and such legislative assembly, more than forty-three years ago, cabled to that regiment an expression of the pride and gratitude of Montana's people; and in the years between, the Second Montana Infantry Regiment, immediate predecessor, furnished to the American Expeditionary Force in France, officers and men, who with our allies repulsed the savage hordes of the Prussian general staff, then and now intent on enslavement of those who oppose the substitution of might for right, and brought back their colors covered with the streamers and ribands of the great victories in France and Flanders; and

Their successor, the present 163rd Infantry Regiment, has emblazoned anew the heroic traditions of the regiment by annihilating a great Japanese army on the Papuan Peninsula of New Guinea to win the first great land battle of the Japanese-American war; and has thereby again demonstrated the unconquerable resolution of Montana's free mountaineers; and

The hearts of all of the people of Montana, while vibrant with affection for the regiment, are burdened with pain at its losses, and determined to repay the holy obligation resulting from these sacrifices, by solemnly assuming the responsibility of free men in support of the reign of law throughout the earth:

NOW, THEREFORE, BE IT RESOLVED, by the senate of the twenty-eighth legislative assembly of the State of Montana, the house of representatives concurring, that the legislative assembly tenders to every officer and to every man of the 163rd Infantry Regiment the deep gratitude of the whole body of our citizens for the great victory which our men have won, purchased with the blood of many of their bravest, hopeful that the regiment will accept this expression as an evidence of the love and the devotion which we have for it, and which sustains us on the home front and inspires us to dedicate each day to aid our men overseas;

That we ask the commanding officer of the regiment, when this resolution is placed in his hands, to communicate the continuing homage of Montana people to General Douglas MacArthur, whose father, General Arthur MacArthur, led the Montana regiment of 1899 to a victory that brought freedom to the Filipinos who have proved their brotherhood with us and with whose help General Douglas MacArthur as his father's successor, and with the aid of our regiment, will restore these peoples of the isles of the Pacific to the dignity of men.

BE IT FURTHER RESOLVED, that duly authenticated copies

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of this Resolution be transmitted by the secretary of state of the State of Montana, through secure military channels, to the commanding officer of the 163rd Infantry Regiment, and to each company commander in said regiment, and to General Douglas MacArthur; and, in order that this long pent-up expression of our whole people, who are represented at large only by this legislative assembly, may be made known to the regiment as soon as possible,

BE IT FURTHER RESOLVED, that the following message be cabled at once, through military or other appropriate channels, to the commander of the 163rd Infantry Regiment in the combat zone:

"WITH VIBRANT ADMIRATION FOR YOUR MAGNIFICENT VICTORY OVER THE JAPANESE ON THE PAPUAN PENINSULA OF NEW GUINEA AND ELSEWHERE, WITH PRAYERS FOR THE WOUNDED AND WITH UNDYING RESOLVE TO CARRY ON THE HIGH PURPOSE OF OUR NOBLE DEAD, THE HEARTS OF THE PEOPLE OF MONTANA ARE WITH YOU, BEATING AS ONE EVERY HOUR OF EVERY DAY.

THE TWENTY-EIGHTH LEGISLATIVE ASSEMBLY OF MONTANA IN SESSION AT HELENA."

Approved March 5, 1943.

SENATE JOINT RESOLUTION NO. 2

A Joint Resolution to the Congress of the United States to Enact Legislation to Transfer the Fort Peck Project to the Bureau of Reclamation of the Department of the Interior for Operation and Maintenance; and That Adequate Appropriations Be Made Available to the Bureau of Reclamation Enabling Completion of Plans and Estimates to Completely Utilize the Irrigation and Power Possibilities of the Fort Peck Project.

Be It Resolved by the Senate of the Twenty-eighth Legislative Assembly of the State of Montana, the House Concurring:

WHEREAS, Fort Peck dam and reservoir on the Missouri River in Montana was authorized for construction by executive order in the public works program under the national industrial recovery act of 1933, and funds were allotted for such construction by order of the

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PWA administrator under date of October 24, 1933, for water conservation and control of flow for navigation; and

WHEREAS, an act of congress (Public No. 529—seventy-fifth congress, senate 2650) approved May 18, 1938, authorized completion, maintenance, and operation of the Fort Peck project for navigation and other purposes, including a power plant for the production of hydroelectric power and assigned the distribution and sale of all power to the bureau of reclamation; and

WHEREAS, section 6 of the act of May 18, 1938, requires rate schedules for Fort Peck power to be drawn having regard to the recovery of the cost of producing and transmitting such electric energy, including the amortization of the capital investment; and

WHEREAS, the northeastern portions of Montana have been distressed areas for the past ten (10) years because of drought and an unstable agricultural economy, which has caused an emigration from the state of forty thousand (40,000) persons in search of better living conditions; and

WHEREAS, this distressed condition is continuing throughout the war period due to absence of defense industries or projects within the area, and the emigration of population is continuing at an accelerated rate; and

WHEREAS, during the past two (2) years the bureau of reclamation has made public a preliminary report on an irrigation project to permit diversified irrigation farming on an area of over three hundred thousand (300,000) acres in northeastern Montana; and

WHEREAS, the plan proposed requires the use of Fort Peck dam and reservoir primarily for irrigation and power purposes and the development of such an area appears to be the only plan by which the power output of Fort Peck can be sold at rates to comply with the conditions imposed by act of congress; and

WHEREAS, current investigations of the bureau of reclamation disclose alternative plans for navigation purposes on the lower Missouri river which can be effectively substituted for the Fort Peck project; and

WHEREAS, the benefits to Montana and the nation as a whole by the use of the Fort Peck project primarily for irrigation and power probably outweigh by a large margin the benefits resulting from its use primarily for navigation; and

WHEREAS, the proposed project will stabilize the economy of a

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large portion of the State of Montana and furnish opportunities after the war for returning service men and defense workers.

NOW, THEREFORE, BE IT RESOLVED by the senate and house of the State of Montana, jointly, that the congress of the United States be urged to enact legislation to transfer the Fort Peck project to the bureau of reclamation of the department of the interior for operation and maintenance primarily in the interest of irrigation and power development and for other purposes; and that adequate appropriations be made available to the bureau of reclamation to enable completion of preliminary plans and estimates to fully utilize the irrigation and power possibilities of the Fort Peck project as outlined in its preliminary report on the Missouri-Souris project in Montana and North Dakota, so that a plan may be developed ready for immediate execution when post-war conditions justify an extensive public works program; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded by the secretary of state to the president and vice-president of the United States, to the speaker of the house of representatives and to each senator and member of the house of representatives in the congress of the United States from Montana and North Dakota.

Approved March 3, 1943.

SENATE JOINT RESOLUTION NO. 8

A Resolution of the Senate and House of Representatives of the State of Montana Recommending That the Congress of the United States Pass and Enact Into Law Such Measure or Measures as May Be Necessary to Return to the Farmer Such Prices for All Agricultural Products as Will Assure to Him a Reasonable Profit Over His Cost of Production, Including All Cost of Labor.

Be It Resolved by the Senate of the State of Montana, the House of Representatives Concurring Therein:

WHEREAS, the farmers in this country are called upon to contribute to the war effort by an increase in production of farm products; and

WHEREAS, the expense for farm labor, machinery, repairs and all other items entering into the over-all cost of the production of agricultural products has greatly increased; and

WHEREAS, war industries are permitted to include the cost of

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labor as well as all other costs plus profit in determining the total cost of materials and equipment for the purposes of war; and

WHEREAS, food is one of the main essentials and is absolutely necessary for the winning of the war, and the farmers of this country are engaged in an all-out effort to win this war; and

WHEREAS, the farmers of this country cannot successfully carry on unless they receive a reasonable profit for their agricultural products; and

WHEREAS, they are now being discriminated against to the advantage of labor and industry; and

WHEREAS, there is now before the congress of the United States a bill for the establishment of prices for agricultural products which will include the cost of labor and other costs, and will give to the farmer a return upon the basis of parity;

NOW, THEREFORE, BE IT RESOLVED, by the senate of the State of Montana, the house concurring, that we earnestly recommend that the congress of the United States, as quickly as is possible, pass and enact into law such measure or measures as may be necessary to return to the farmer such prices for all agricultural products as will assure to him a reasonable profit over his cost of production, including all costs of labor.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted by the secretary of state to each member of congress from Montana, vice-president of the United States, speaker of the house of representatives, secretary of the United States Department of agriculture, chairman of the committee on agriculture in the senate and house of representatives of the United States.

Approved March 5, 1943.

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CHANGES OF NAMES DECREED IN 1941-1942

Date of Judgment	Original Name	Name Decreed	Residence
May 29, 1941	Robert Lewis Doe	Robert Lewis Johnston	Sheridan County.
Sept. 10, 1941	Chester Eugene Scharffbillig	Chester Eugene Burk	Wibaux, Mont.
Oct. 24, 1941	Reuben Anderson	Reuben Aberdeen Meldinger	Fallon, Mont.
Aug. 25, 1941	Elizabeth Agnes White	Elizabeth Agnes Brown	Helena, Mont.
Aug. 11, 1941	George Kolokotrones	George Lew James	Three Forks, Mont.
Dec. 22, 1941	Glenn Spencer Sellers	Glenn Spencer Lamb	Manhattan, Mont.
†Apr. 14, 1941	Daonla Miha Jiujia	Dennis Mike James	Bozeman, Mont.
Feb. 25, 1941	Richard Hancock	Richard Thomas Albee	Deer Lodge, Mont.
Mar. 28, 1941	Merle Grover Sturges	Merle James Noe	Billings, Mont.
Nov. 4, 1941	Jerrold North Luderman	Jerrold North Morris	Billings, Mont.
Nov. 8, 1941	Leonidas Antonopoulous	Leo B. Anton	Billings, Mont.
Nov. 8, 1941	Chrisoula Antonopoulous	Chrisoula L. Anton	Billings, Mont.
Nov. 8, 1941	Xenia Antonopoulous	Xenia L. Anton	Billings, Mont.
Nov. 8, 1941	Gus Antonopoulous	Gus L. Anton	Billings, Mont.
Dec. 29, 1941	Sven Vilmo	Sam Moe	Billings, Mont.
July 21, 1941	Xavier Wilbur Smith	Wilbur Joseph Guay	Butte, Mont.
Oct. 23, 1941	Victoria Thomas	Victoria Jerin	Roundup, Mont.
Oct. 23, 1941	John Thomas	John Jerin	Roundup, Mont.
Oct. 23, 1941	Edward Thomas	Edward Jerin	Roundup, Mont.
Mar. 1, 1941	Erecgavacka Sloga (a social corporation)	Srpska Herecgovacka Sloga	Anaconda, Mont.
July 2, 1941	Henry William Hopson	Henry William John	Deer Lodge County
Jan. 10, 1940	Apostol Evan Kekoff	John Gamell	Denton, Mont.
Dec. 24, 1940	Robert George Morden	Robert George Thompson	Lewistown, Mont.
Oct. 10, 1941	Virginia Ethel Schweinforth	Virginia Ethel Radke	Lewistown, Mont.
Oct. 10, 1941	Herbert Carl Schweinforth	Herbert Carl Radke	Lewistown, Mont.
*Oct. 9, 1937	Boydan Kazawgra	Jack Ragenovich	Lewistown, Mont.
*Apr. 16, 1938	Cord Hinrich Flugge	Henry Cord Flugge	Buffalo, Mont.
*Oct. 20, 1939	Jorgen Knutson Haugset	George Knutson	Fergus, Mont.
*Apr. 16, 1938	Henning Fridolf Olsson	Henning Fridolf Olson	Winifred, Mont.
*May 4, 1938	Selko Miteff	Samuel Miteff	Lewistown, Mont.
*Apr. 9, 1940	Sverre Karlson Njolstad	Swend Gunderson	Lewistown, Mont.
*Sept. 24, 1940	Karl Gunderson Njolstad	Carl Gunderson	Lewistown, Mont.

†By naturalization.

*Through Naturalization Proceedings not previously reported.

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CHANGES OF NAMES DECREED IN 1941-1942

Date of Judgment	Original Name	Name Decreed	Residence
June 2, 1942	John Hoydnite	John Henry Magnussen	Drummond, Mont.
Dec. 14, 1942	Richard Albert Florin	Richard Albert Wollaston	Thompson Falls, Mont.
Dec. 11, 1942	Leonard Paul Johnson Aniksdal	Leonard Johnson Hallingstad	Deer Lodge, Mont.
June 24, 1942	Charles Leroy Burbage	Charles Leroy Whelan	Formerly Butte, (Lewis & Clark Co.)
July 14, 1942	Harold Wright Sloan	Harold James Bush	Park County.
Feb. 24, 1942	Verl Leonard Hubbell	Verl Hubbard Hopper	Billings, Mont.
Mar. 16, 1942	Clayton Arthur Hemmerly	Clayton Arthur Cochrane	Billings, Mont.
June 15, 1942	Opal May Smith	Billie Mote	Laurel, Mont.
July 13, 1942	Ernestine Frances Hanning	Ernestine Frances Hanley	Billings, Mont.
Aug. 17, 1942	Charles Arthur Reynolds	Charles Arthur Ehlenburg	Billings, Mont.
Aug. 24, 1942	Mary Margaret Stowe	Mary Margaret Polly	Billings, Mont.
Sept. 25, 1942	Jorma Leonnard Vlachovich	Leonard Joe McGuire	Billings, Mont.
Oct. 2, 1942	Abney Sydney Love, Jr.	George Robert Love	Billings, Mont.
Jan. 23, 1942	William Orville Rusten	Sam Hawthorne	Beaverhead County
June 13, 1942	John Carlson Prins	John Carlson	Dillon, Mont.
May 28, 1942	Service William Frederick	Service William Finkbiner	Lewistown, Mont.
July 23, 1941	Goldie Awbery	Goldie Templeton	Lewistown, Mont.
June 2, 1942	Nils Ivar Karlson	Nels Evar Carlson	Polson, Mont.
Sept. 15, 1942	Pearl Lovilla Vetal	Pearl Lovilla Tompkins	Polson.
Mar. 14, 1942	Wilfred Walter Bentz	Wilfred Walter Larsen	Anaconda, Mont.
Mar. 21, 1942	Forsman Nicholas Verlanic	Harold Nicholas Verlanic	Deer Lodge County
Apr. 11, 1942	Blair Elton Harrington	Blair Elton Hurd	Anaconda, Mont.
May 29, 1942	Carl Cor	Charles Sama Chor	Anaconda, Mont.
July 24, 1942	Jerry Lee Postlethwaite	Jerry Lee Trerise	Deer Lodge County.
Oct. 3, 1942	Charles R. Staig Miller	Charles Russell Miller	Deer Lodge County.
Aug. 10, 1942	Carl Joseph Endries	Carl Joseph Absolon	Forsyth, Mont.
Mar. 2, 1942	Glen Baker	Glenn McCollough	Bozeman, Mont.
Mar. 23, 1942	LaVernon Walter Kelch	Vernon Walter Johnston	Bozeman, Mont.
Apr. 20, 1942	Bernard Christian Koenig	Bernard Christian King	Belgrade, Mont.
May 4, 1942	Edison Snow Yergey	Albert Howard Avery	Bozeman, Mont.
May 25, 1942	George Harold Aakjer	George Harold Aaker	Bozeman, Mont.
May 25, 1942	John Hubert Aakjer	John Hubert Aaker	Bozeman, Mont.
May 25, 1942	Ralph Kenneth Aakjer	Ralph Kenneth Aaker	Bozeman, Mont.

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CHANGES OF NAMES DECREED IN 1941-1942

Date of Judgment	Original Name	Name Decreed	Residence
June 22, 1942	Ellen Virginia Linnaberry	Ellen Virginia Mars	Gallatin County.
†Apr. 13, 1942	Wiljo Felix Koskela	Wiljo Felix Koski	Bozeman, Mont.
‡Dec. 21, 1942	John Edward Cordes	John Edward Showalter	Bozeman, Mont.
Apr. 2, 1942	George Lawrence Lehr	George Lawrence Blair	Butte, Mont.
Mar. 18, 1942	Eugene Gerald Grady	Eugene Gerald Olson	Butte, Mont.
Feb. 7, 1942	William Nicholas Kriskovich	William Nicholas Krisk	Butte, Mont.
Feb. 21, 1942	John Earl Mittendorf	Robert Edwin Henderson	Butte, Mont.
Apr. 11, 1942	Francis E. Sullivan	Francis E. Wrenn	Butte, Mont.
May 2, 1942	August Marttila	August Laine	Butte, Mont.
June 15, 1942	Daniel Zora	Michael Zora	Butte, Mont.
June 15, 1942	Ole Riton	Andrew Riton	Butte, Mont.
Aug. 15, 1942	William Robert Ygnatowiz	William Robert Wayne	Butte, Mont.
Nov. 21, 1942	Albert William Thom	Albert William Hofbauer	Butte, Mont.
Nov. 21, 1942	Frank John Kriskovich	Frank John Krisk	Butte, Mont.
Nov. 28, 1942	Katherine Anna Thom	Hazel Hofbauer	Butte, Mont.
Nov. 9, 1942	Richard J. Thorneycraft	Sterling L. Williver	Butte, Mont.
Oct. 24, 1942	Silver Bow Council Inc., Boy Scouts of America	Vigilante Council Inc., Boy Scouts of America	Butte, Mont.
Feb. 18, 1942	Margaret Agnes Podobnick	Margaret Agnes Rolich	Butte, Mont.
Feb. 18, 1942	Josephine Podobnick	Josephine Rolich	Butte, Mont.
Feb. 18, 1942	Rudolph Podobnick	Rudolph Rolich	Butte, Mont.

†By Naturalization.

‡By Adoption.

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NOTE:

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